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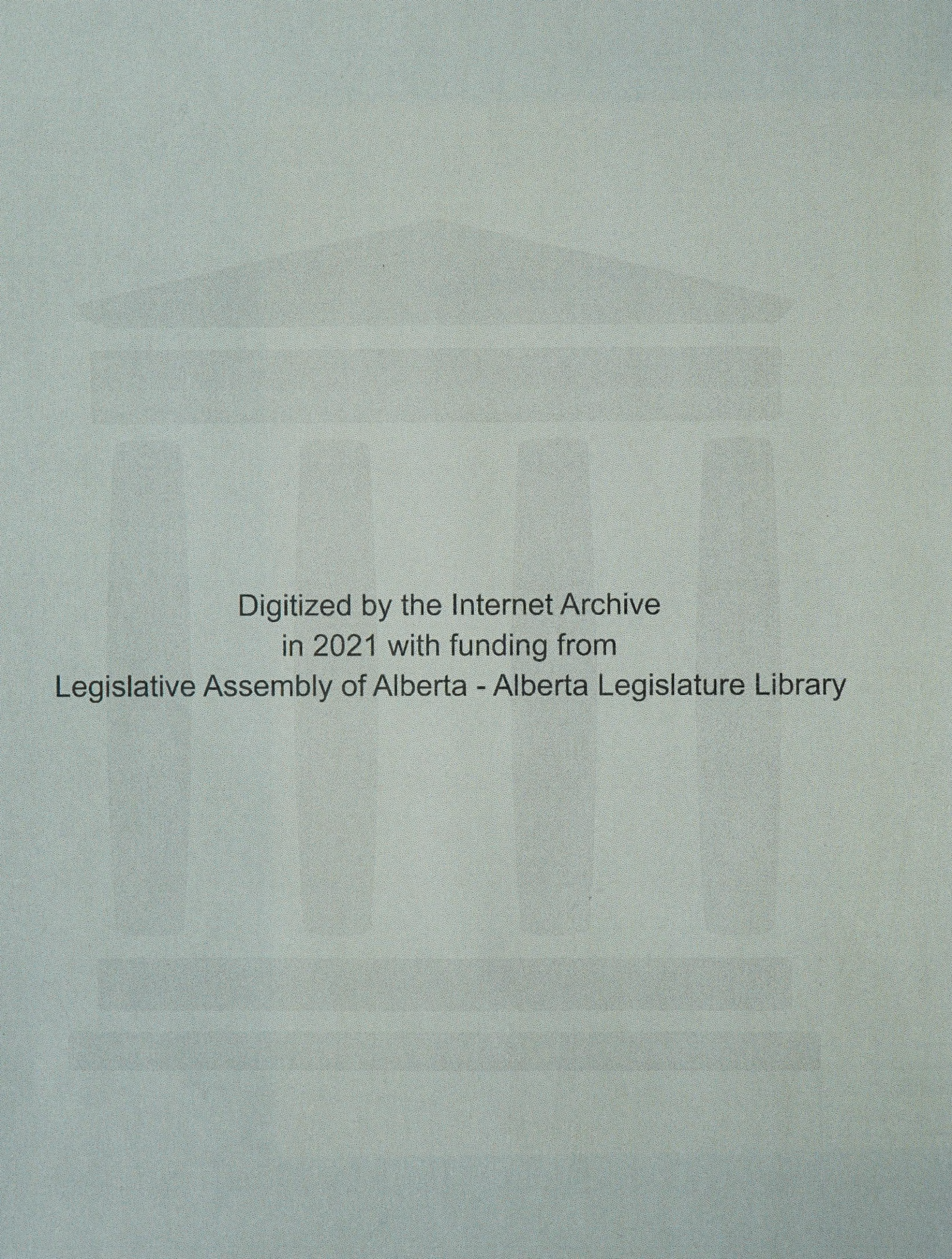
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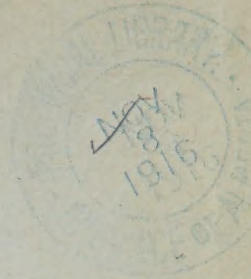
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**STORAGE**





# ORDINANCES

OF THE

## North-West Territories,

PASSED IN THE THIRD SESSION

OF THE

## FIRST LEGISLATIVE ASSEMBLY,

*Begun and holden at Regina on the Twenty-ninth day of  
October, and closed on the Twenty-ninth day of  
November, 1890*



HIS HONOR

THE HONORABLE JOSEPH ROYAL,  
LIEUTENANT-GOVERNOR.

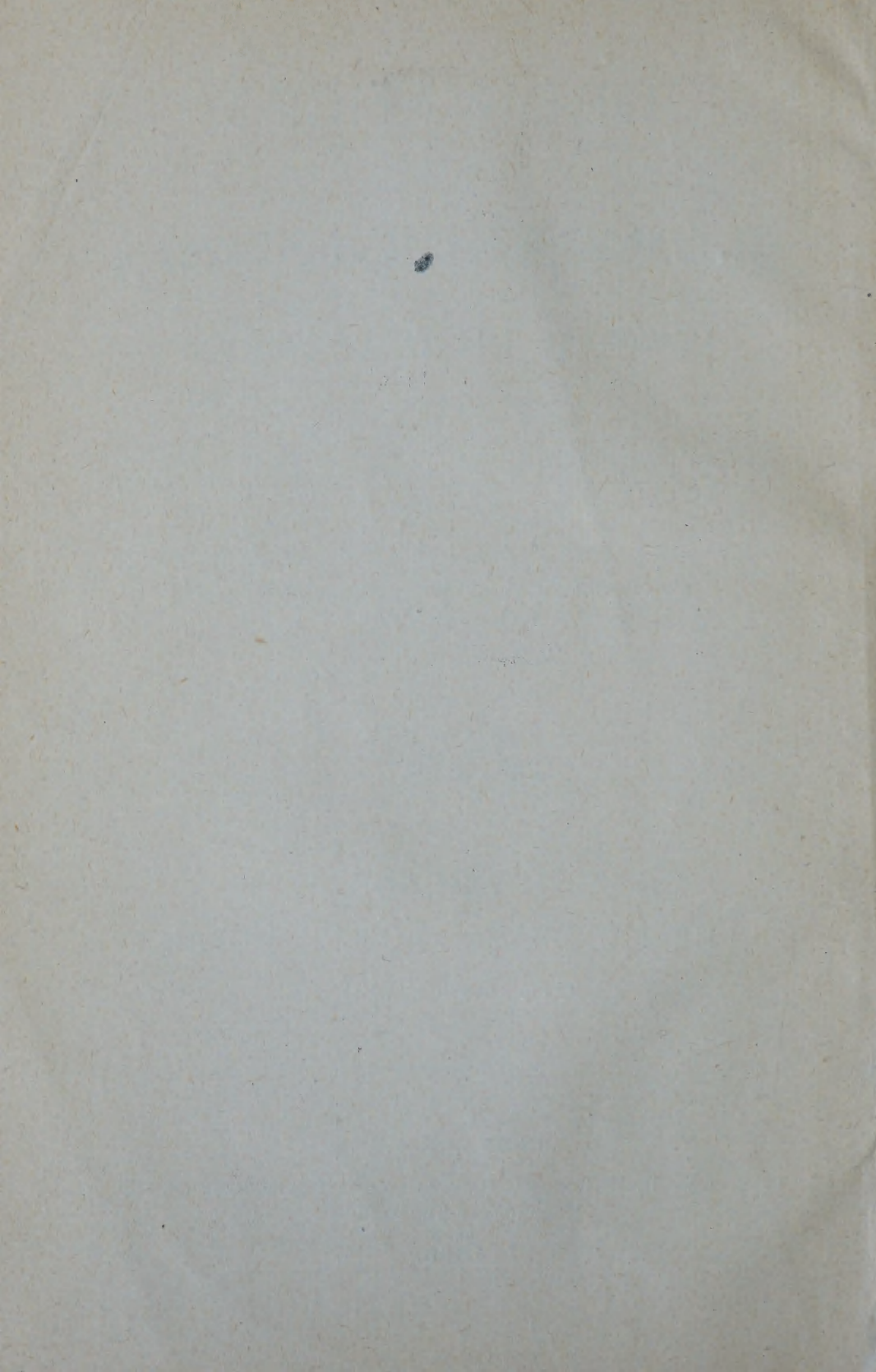
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REGINA, N.W.T. :

PRINTED BY R. B. GORDON, PRINTER TO THE GOVERNMENT OF THE  
NORTH-WEST TERRITORIES.

1890.







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## **No. 1 of 1890.**

### **AN ORDINANCE TO AMEND ORDINANCE NO. 18 OF 1889, INTITULED "THE BILLS OF SALE OR- DINANCE."**

*[Assented to November 20th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

**1.** Subsection B of Section 1 is hereby amended by striking out the word "Second," where it occurs therein and inserting the word "Third," and the said Ordinance shall be read and construed as if the said word "Third" were originally enacted in such subsection.

Provided always that this clause shall not apply to any Bill of Sale or Chattel Mortgage of goods and chattels properly registered under said Ordinance 18, of 1889, in the Registration District of Medicine Hat.

**2.** Section 5 of the said Ordinance is hereby amended by striking out the word "any" where it occurs between the words "against" and "creditors" in the said Section and substituting therefor the word "the."

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**No. 2 of 1890.****AN ORDINANCE TO AMEND "THE MUNICIPAL ORDINANCE."**

*[Assented to November 20th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

**1.** The word "drainage" in the said Ordinance shall be held to include, and to have always included, sewerage and sewers.

**2.** The word "resident" in the said Ordinance shall mean a person residing within the limits of the Municipality.

**3.** Sub-section 2 of Section 23 is amended by adding thereto the words, "officers shall not be held to include postmasters."

**4.** Sub-section 14 of Section 43 is amended by adding thereto the words, "and the Deputy Returning Officer shall attach such certificate to voters' list."

**5.** Section 62 is amended by leaving out the words, "or attending," where they occur in the said Section.

**6.** The powers of sale of lands for taxes, vested in Sheriffs prior to 1889, shall be held to have been vested in the Municipal Treasurers, but the Municipalities shall be liable to the Sheriffs for such fees as the Judge shall direct.

**7.** Section 100 is amended by striking out the words "two dollars," and substituting therefor the words "one dollar."

**8.** Section 101 is amended by striking out the words "two dollars," and substituting therefor the words "one dollar."



9. Section 230 is amended by striking out the words "two years", where they occur, and substituting therefor the words "one year."

10. Section 232 is amended by striking out the words, "his agent appointed by him in writing," and substituting therefor the words, "any other person."

11. Section 277 of the said Ordinance is amended by striking out all the words after the word "yearly" therein.

12. Any person, liable to pay taxes imposed by Section 277 of the said Ordinance, shall pay the same to a collector appointed by By-law of the Council of the Municipality to collect the same, within 3 days after demand thereof by the said collector; and in case of neglect or refusal to pay the same within such time, the said collector may levy the same by distress and sale of the goods and chattels of the defaulter with cost of the distress and sale; and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of his refusal or neglect to pay the said sum, and of there being no sufficient distress and default of payment at such time as the convicting Justice may order, such Justice of the Peace may commit such defaulter to the lock-up house of the Municipality or the nearest common gaol for any time not exceeding ten days, with or without hard labor, unless such sum and the costs of the distress and such summary conviction and costs of the conveying the said defaulter to the lock-up house or gaol as aforesaid be sooner paid.

13. Whenever the corporation of any Municipality acquires by purchase, donation or otherwise, any plot of land for Cemetery purposes outside of the limits of the Municipality, the provisions of Chapter 24 of "The Revised Ordinances, 1888," cited as "The Cemetery Ordinance," shall apply *mutatis mutandis* to the said corporation, and the corporation may pass By-laws for raising money for improving, caring for and beautifying such land.

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**No. 3 of 1890.****AN ORDINANCE TO FURTHER AMEND CHAPTER  
23 OF THE REVISED ORDINANCES OF THE  
NORTH-WEST TERRITORIES, 1888, INTITULED  
"THE AGRICULTURAL SOCIETIES ORDIN-  
ANCE."**

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

**1.** Section 13 of Chapter 23 of the Revised Ordinances of the North-West Territories is hereby struck out and the following substituted therefor :—

**13.** Upon receipt of the certified annual report of a Society formed under this Ordinance, the membership of which shall not be less than seventy-five, or in the case of a newly-formed Society, of a certificate in Form B of this Ordinance, the Lieutenant-Governor in Council may grant to the said Society, out of the General Revenue Fund of the North-West Territories, a sum not exceeding the amount so shown to have been subscribed and paid to the said Society

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## No. 4 of 1890.

### AN ORDINANCE RESPECTING APPEALS FROM CONVICTIONS UNDER ORDINANCES AND MU- NICIPAL BY-LAWS.

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Where a penalty or punishment is imposed, or power to make an order is given under the authority of any Ordinance relating to matters within the legislative authority of the Legislative Assembly of the Territories, or under a Municipal By-Law, and is recoverable before or may be inflicted or made by a Justice of the Peace, the like proceedings, and no other, shall and may be had for recovering the penalty or making the order, compelling the attendance of the parties or witnesses, hearing the information or complaint, the conduct of the Court, the taking and estreating of recognizances, and the infliction of punishment or enforcing the order, the imposition and recovery of costs, and otherwise in respect thereof, and the Justice, when seized of the information or complaint, shall perform the like duties in respect thereto, and in respect of any conviction or order made by virtue of such Ordinance or By-law, as under the Law of the Parliament of Canada, in force at the time, might be had and should be performed if the proceedings were directly authorized by a Statute of the Parliament of Canada.

2. Any party, who considers himself aggrieved by a conviction or an order made by a Justice of the Peace under the authority of any Ordinance in force in and relating to matters within the legislative authority of the Legislative Assembly of the Territories or a Municipal By-law, may appeal therefrom to a Judge of the Supreme Court of the North-West Territories.

(1.) The practice and proceedings on the appeal, and both preliminary and subsequent thereto, and otherwise in re-



spect thereof, shall be the same as the practice and proceedings under the Statutes of the Parliament of Canada for the time being in force on appeal from convictions and orders of Justices of the Peace made under the authority of a Statute of Canada.

(2.) The Judge shall have and possess the like powers, as to the imposition and recovery of costs, as are possessed by him in appeals from matters under the said Statutes.

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## **No. 5 of 1890.**

AN ORDINANCE TO FURTHER AMEND ORDINANCE NO. 6 OF 1888, INTITULED "AN ORDINANCE RESPECTING THE REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS."

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Ordinance No. 6 of 1888, intituled "An Ordinance respecting the Registration of Births, Marriages and Deaths," is hereby further amended by adding to Section 3 of the said Ordinance the following words:—

Provided that the Lieutenant-Governor in Council may at any time alter the limits of any Registration Division or Divisions, or divide the same and establish in lieu thereof a new Division or Divisions, and appoint Registrars therefor.

2. Section 13 of the said Ordinance is hereby amended by striking out the words, "before the interment of the body," and substituting therefor the words, "within fourteen days after the death."

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**No. 6 of 1890.****AN ORDINANCE TO AMEND ORDINANCE NO. 13 OF 1889, INTITULED "AN ORDINANCE TO PROVIDE FOR THE INCORPORATION OF BUTTER AND CHEESE MANUFACTURING ASSOCIATIONS."**

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Section 2 of Ordinance No. 13 of 1889 is hereby amended by inserting after the word "to," in the third line of the said Section, the word "purchase," and by inserting after the word "hold" in the said line the words "pledge or mortgage," and by inserting after the word "business," in the fourth line of the said Section, the words, "with full power to do all necessary acts and enter into all necessary contracts, for the purpose of managing and conducting their said business."

2. Section 5 of the said Ordinance is amended by inserting after the word "amended," in the second line of the said Section, the words, "or new rules may be made."

*The following Sections are added to the Ordinance :—*

16. The Association shall have power to execute a mortgage upon any real estate purchased or agreed to be purchased by them, for the purpose of securing the payment of the whole or a portion of the purchase money of such real estate, or the purpose of raising money for the purposes of their business, and to covenant for the repayment of the said mortgage money and interest, or for the purpose of securing payment of any bonds issued or to be issued, and generally to make such provisions binding on the Company as are usually contained in mortgages.

**17.** The said mortgage may be executed in accordance with any of the rules passed for the regulation and management of the Association in that behalf, and upon being so executed shall be a valid security of the said Association.

**18.** The Association shall have power to borrow money for the purpose of their business, and to issue bonds or debentures for the repayment of the same with interest, and such bonds or debentures without registration shall be a binding security and charge upon all the real and personal estate of the Association including called or uncalled capital, and such bonds may be issued in accordance with the rules of the said Association, and shall be payable at such time or times as may be therein expressed, and may be mortgaged, sold or hypothecated by the said Company in accordance with any provisions in that behalf included in the said rules, but such bonds shall not be issued until the same shall have been approved by the Lieutenant-Governor, and a notice of the intended issue of the same in writing shall have been deposited in his office.

**19.** This Ordinance shall be retroactive, and the powers hereby conferred shall be deemed to have been contained in the original amended Ordinance.

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**No. 7 of 1890.**

AN ORDINANCE TO AMEND AND CONSOLIDATE  
AS AMENDED CHAPTER 9 OF THE REVISED  
ORDINANCES OF THE NORTH-WEST TERRI-  
TORIES, 1888, INTITULED "THE STATUTE LABOR  
AND FIRE ORDINANCE."

[Assented to November 29th, 1890.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :-

1. This Ordinance may be cited as "The Statute Labor and Fire Ordinance."

2. In this Ordinance the word "resident" means any owner or occupant of lands over eighteen years of age residing in the area established or proposed to be established as a Statute Labor and Fire District, and the word "person" includes corporations, joint stock companies and partnerships.

3. Whenever the Lieutenant-Governor is satisfied, by such proof as he may require, that any portion of the Territories, not exceeding an area of 144 square miles, and not less than 36 square miles, no part of which is within the limits of any Municipality, contains a population in the proportion of eight to each 36 square miles, he may cause notices to be posted up in eight conspicuous and widely separated places within such area, of his intention to proclaim the same a Statute Labor and Fire District after the expiration of thirty days from such posting.

4. After the expiration of the thirty days named in the notice hereinbefore mentioned, the Lieutenant Governor, unless a majority of the residents within the area aforesaid, by petition addressed to him, object to such formation, shall proclaim the said area a Statute Labor and Fire District, describing its limits and giving it a district number.

5. The Lieutenant-Governor shall thereafter appoint one of the residents within the district so erected as Returning Officer, who shall forthwith, by inserting an advertisement to that effect in two weekly consecutive issues of the newspaper published nearest to or within the district, or by notices as provided by Section 3 of this Ordinance, call a public meeting of the residents of the district to elect, by open voting, one of their number as Overseer. The costs of such advertisement or notices, meeting, and publishing the proclamation in the North-West Territories Gazette, to be afterwards defrayed out of the funds of the district as hereinafter provided.

6. Every resident voting for such Overseer shall sign a declaration as in Form A in the Appendix to this Ordinance, and record his vote and the land upon which he votes as provided in such Form, the order and direction of the voting being according to the discretion of the Returning Officer, but the poll shall be open for two hours after the Returning Officer has declared to the meeting that the poll was opened, and any person falsely recording himself as an occupant of lands within the district shall be liable, on summary conviction before a Justice of the Peace, to a fine of ten dollars and costs.

7. Immediately after the election of Overseer, as provided in the preceding Section, the Returning Officer shall make his return to the Lieutenant-Governor, accompanying it with the record of the voters, having first verified such record on oath before a Justice of the Peace, or a Notary Public, as in Form B in the Appendix to this Ordinance.

8. The name of the Overseer so elected shall be published in the first issue of the North-West Territories Gazette published after the election so held, the cost of such publication being afterwards defrayed out of the funds of the district as hereinafter provided; and such overseer shall hold office for two years from the date of such publication, unless the position become vacant through death, resignation, or moving out of the district, and upon the expiration of his term, or in the event of the position becoming so vacant, the Lieutenant-Governor shall issue his writ to such resident of the district, as he may designate, for another election under the provisions of this Ordinance.



**9.** It shall be the duty of such Overseer to assess a road and fire district tax as hereinafter provided upon all male inhabitants and occupiers or owners of real estate in the district over which he is Overseer.

**10.** Every male inhabitant over eighteen years and under sixty, not otherwise assessed, having resided for the three months preceding assessment in the district, shall be assessed one day;

And the owner or occupant of land in the said district, to the extent of not more than 160 acres, shall be assessed for two days; over 160 and not more than 320 acres, three days; over 320 and not more than 640 acres, five days; over 640 and not more than 960 acres, six days; and in proportion for every additional 640 acres, two days' work.

**11.** The Overseer shall, in each year, make out his road and fire district list in Form C of the Appendix to this Ordinance, setting down in each column, as accurately as may be after diligent enquiry, the information called for by the heading thereof.

**12.** The names of persons omitted from such road and fire district list, and of new inhabitants, shall, from time to time, be added thereto, and be rated by the Overseer in the same proportion as others on such list.

**13.** A list of road and fire district work required to be done shall be prepared and posted up by the Overseer in eight conspicuous places within the district, at least ten days before calling out the labor.

**14.** The Overseer shall also give, by registered letter, posted at the nearest post office to his residence, at least fifteen days previous to the day fixed for labor, notice to each person assessed to work on highways and roads and for fire district purposes, within the limits of the district, naming in such notice when and where each person is to appear for that purpose, and with what implements.

**15.** Any person, who feels himself aggrieved by the tax assessed by the Overseer, may appeal within five days from such assessment to the nearest Justice of the Peace, whose decision thereon shall be final.

**16.** Every person liable to work on the highways and roads and for fire district purposes, shall work the whole number of days for which he is assessed ; but every such person may elect to commute for the same, or for some part thereof, at the rate of \$1.00 per day ; in which case such commutation money shall be paid to the Overseer ; and the Overseer, when such land tax is paid, either in money or labor, shall write the word "paid" opposite each name or tract of land on his list.

**17.** Persons assessed as non-resident shall be deemed to have commuted the statute labor for which they are liable, at the rate of \$1.00 per day, and the amount of the commutation shall be a debt recoverable as such at the suit of the Overseer in any Court of competent jurisdiction.

**18.** Every person intending to commute for his assessment, or any part thereof, shall, within five days after he is notified to appear and work on the highways and roads and for fire district purposes, pay the commutation money for the work required of him by such notice ; and the commutation shall not be considered as made until such money is paid.

**19.** The Overseer is empowered to require cart or waggon, or plough, or scraper, with a pair of horses or oxen, and a man, from any person having the same within his district, who has been assessed two days or more, and who has not commuted his assessment ; and any person so furnishing the same shall be credited two days for each day's service therewith.

**20.** Every person assessed to work on highways, and roads and for fire district purposes, and warned to work, may appear in person, or by an able-bodied man as a substitute ; and the person or substitute so appearing shall, subject to the orders of the Overseer, actually work eight hours in each day.

**21.** The acceptance by the Overseer of any excuse for refusal or neglect shall not in any case exempt the person excused from commuting for or working the whole number of days for which he is assessed during the year.



**22.** The expenses connected with the proclamation erecting the district into a Statute Labor and Fire District, and the expenses of advertising and holding the meeting of residents for the election of the Overseer of such district, in which the sum of \$5, to be paid to the Returning Officer appointed by the Lieutenant-Governor for directing and holding such election, shall be included, and the remuneration of the Overseer, as hereinafter provided, shall be a first charge upon commutation moneys and fines collected by the Overseer; and the balance shall be applied and expended by the Overseer in the improvement of roads, bridges, or in making fire-guards in the district.

**23.** The remuneration of the Overseer shall be \$2 per day for every day he is necessarily employed in the execution of his duties as Overseer, to be paid out of the fines and commutation money; provided, however, that he shall in no case receive more than \$50 in any one year for his services, beyond his own road tax; and when there are no funds from fines or commutation, the Lieutenant-Governor shall pay the Overseer out of the General Revenue Fund.

**24.** The Overseer shall have all the road and fire district labor assessed in his district worked out and expended on the highways and roads previous to the fifteenth day of July in each year.

**25.** The Overseer shall, on or before the first day of September in each year, render to the Lieutenant-Governor an account in writing, containing:—

(1.) The names of all persons assessed on the highways and roads or for fire district purposes, in his district;

(2.) The names of all persons who have actually worked on the highways and roads, or on fire district work, with the number of days they have worked;

(3.) The names of all those who have been fined, and the sums in which they have been fined, together with the names of the convicting Justice, and the various amounts collected;

(4.) The names of all those who have commuted, and the manner in which the moneys arising from the fines and commutations have been expended;

(5.) A list of taxes unpaid by non-residents, together with the number of each lot or parcel of land, whose owner is

either non-resident or unknown, and upon which taxes were not collected;

(6.) The names of all persons, residents, who have not done, or commuted for, statute and fire district labor, and upon whose land the said tax is due and remains unpaid, which account shall be verified as correct by the oath of the Overseer, in the form D of the Appendix to this Ordinance sworn before a Justice of the Peace.

**26.** The Overseer shall, with his return, pay to the Lieutenant-Governor all moneys remaining in his hands, to be by the Lieutenant-Governor in Council held to the credit of said district, until the accumulations are required for making or improving roads, bridges, or for fire district purposes, in the district.

**27.** The amount of taxes returned by the overseer as unpaid may be collected from the defaulters, after such taxes have remained unpaid for not less than two years, by an action at Law in the name of the Overseer.

**28.** At the expiration of the term of any Overseer, or on the position becoming vacant from death, resignation, or removal from the district, the rolls, district moneys, and other property of such Overseer, held by him in virtue of his position as Overseer, shall be handed over by him or his personal representatives to his successor.

**29.** Any Overseer, who refuses or neglects to discharge his duties, after having first accepted the office, or who neglects or refuses to render a true and correct account as required by this Ordinance, or who refuses or neglects to pay any balance of public money, which then may be due from him, shall for each and every offence incur a penalty not exceeding \$100, to be recovered together with the balance of the moneys remaining in his hand at the suit of the Lieutenant-Governor before any Court of competent jurisdiction.

**30.** Any person liable to perform work or any duty under the provisions of this Ordinance, who wilfully neglects or refuses to perform the same, shall be guilty of an offence against this Ordinance and be liable on summary conviction



*Statute Labor and Fire Districts.*

before a Justice of the Peace to a penalty not exceeding fifty dollars, with costs of prosecution, and in default of payment to be imprisoned, with or without hard labor, for any time not exceeding three months and such fine when recovered shall be paid to the Overseer.

**31.** Chapter 9 of The Revised Ordinances, 1888, is hereby repealed.

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Statute Labor and Fire Districts.

Statute Labor and Fire District No. ....

FORM C.

(Vide Section 11)

Names of Persons Liable.	No. Days Assessed.	Section.	Township.	Range.	Owner or Occupier.	Commutation paid.	Name of J.P.	Amount recovered before J.P.	Non-Resident tax unpaid from 18 .	Amount expended and how.	Money on hand	Remarks.

I make oath and say the above is a true statement, to the best of my knowledge, of the amount of labor assessed for, performed and not performed, and the amount of money collected by way of commutation or otherwise, how much has been expended thereof, and in what manner, and the balance remaining in my hands, for Statute Labor and Fire District No.

Sworn before me at

this

day of

18

Overseer.

FORM D.

(*Vide* Subsection (6) of Section 25.)

STATUTE LABOR AND FIRE DISTRICT No.....

I, \_\_\_\_\_ hereby certify under oath that the account hereto annexed, signed by me, is a true account, in accordance with the provisions of Section 26 of "The Statute Labor and Fire Ordinance," of Statute Labor and Fire District No. \_\_\_\_\_. And that I have been necessarily and actually employed in the execution of my duties as Overseer for \_\_\_\_\_ days.

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## No. 8 of 1890.

## AN ORDINANCE RESPECTING THE ESTABLISHMENT OF FARMERS' INSTITUTES.

[Assented to November 29th, 1890.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. The Lieutenant-Governor may authorize the organization of a Farmers' Institute in any Electoral District or Districts into which the North-West Territories now is or hereafter may be divided. The authority for the organization of a Farmers' Institute may be given after a petition duly filled up and signed by at least twenty-five persons (each of whom must be resident in such Electoral District or Districts and who has actually paid to the provisional secretary-treasurer not less than fifty cents) and sent to the Lieutenant-Governor in the form set forth in the Schedule A hereto.

2. In granting authority for the formation of a Farmers' Institute under the provisions of the preceding Section, the Lieutenant-Governor shall select the place within such District or Districts and fix the date and hour, at which the first meeting for the organization of the Institute shall be held, of which the Lieutenant-Governor shall give at least one month's previous notice by advertisement in the North-West Territories Gazette, and in writing to the provisional secretary-treasurer of the proposed Institute, who shall thereupon cause to be posted up, at five of the most frequented places in the Electoral District or Districts, notices containing full particulars as to the object, place, date and hour of meeting. At such meeting the persons present, who signed the petition as provided in the preceding Section, and such others as may have paid at least fifty cents each to the provisional secretary-treasurer prior to the time appointed for the meeting, for the receipt of which subscriptions the provisional secretary-treasurer shall be in attendance at the place of meeting at least one hour prior to the time for which it may be called,

shall elect from among members, who have paid their subscriptions prior to the meeting, such officers as are hereinafter required to be elected at the annual meetings of such Institutes, which officers shall remain in office until the date of the next ensuing annual meeting.

**3.** The objects of such Farmers' Institutes shall be to encourage improvement in agriculture, horticulture, arboriculture, manufactures and the useful arts,

(a.) By holding meetings for the discussion of and hearing lectures on subjects connected with the theory and practice of improved husbandry or other industrial purposes ;

(b.) By promoting the circulation of agricultural, horticultural, arboricultural and mechanical periodicals :

(c.) By importing and otherwise procuring seeds, plants and animals of new and valuable kinds ;

(d.) By offering prizes for essays on questions of scientific enquiry relating to agriculture, horticulture, arboriculture, manufactures and the useful arts.

**4.** The funds of Farmers' Institutes, howsoever derived, shall not be expended for any object inconsistent with those mentioned in the preceding Section. They shall be deposited from time to time to the credit of the Institute in a chartered bank or other banking house. All cheques issued in payment shall be signed by the president and secretary-treasurer of the Institute.

**5.** Each Farmers' Institute, organized under this Ordinance, shall be known as "The (here insert name of District or Districts) Electoral District (or Districts) Farmers' Institute," under which name each such Institute shall be a body politic and corporate.

**6.** The officers of Farmers' Institutes may make by-laws and regulations for the government of their respective Institutes and the carrying out of their objects, not inconsistent with the provisions of this Ordinance ; provided, however, that a copy of any such by-law or regulation, duly certified by the secretary-treasurer of the Institute, shall be transmitted to the Lieutenant-Governor within one week

from the date of its passing. The said officers of any Farmers' Institute shall have full power to act for and on behalf of the Institute, and all grants of money and other funds of the Institute shall be received and expended under their direction, subject nevertheless to the by-laws and regulations of the Institute.

7. Each Farmers' Institute shall hold its annual meeting on the second Monday in July in each year, at the hour of one o'clock in the afternoon, at such place as may be decided on by the officers. At least one month's previous notice of such meeting, with full particulars as to place and date, shall be given by the secretary-treasurer of the Institute by advertisement in a newspaper published in the Electoral District or Districts, if there be one so published, and if no such newspaper is published in such Electoral District or Districts, then in a newspaper published nearest thereto, or by posters displayed in at least five of the most frequented places in the Electoral District or Districts.

8. At the annual meeting the officers shall present for consideration by the members a report of the proceedings of the officers and of the Institute, giving in detail the names, addresses and subscriptions of all members, the receipts and expenditures for the twelve months ending on the thirtieth day of June previous to the meeting, shown in such form as may be decided on from time to time by the Lieutenant-Governor, and duly audited; together with such remarks and suggestions on the state of agriculture, horticulture, arboriculture, etc., in the Electoral District or Districts as they may be able to offer. The report shall be recorded in the minute book of the Institute as part of the record of the proceedings. After the consideration of the report and the disposal of business connected with it, the members present, who have paid their subscriptions prior to one o'clock in the afternoon of the day of the meeting, for the receiving of which subscriptions the secretary-treasurer of the Institute shall be in attendance at the place fixed for the annual meeting on the day thereof from the hour of noon until one o'clock in the afternoon, shall elect by ballot from among such members, as have so paid their subscriptions, and who reside within the Electoral District or Districts, a Board of management composed of nine persons, a majority of whom shall be farmers, consisting of a president, a vice-



president, secretary-treasurer, and six directors. The meeting shall also appoint two auditors. A certified copy of the minutes of the annual meeting, of the report presented thereat, and a list of the officers elected, with their occupations and post office addresses, together with a report on each meeting of the Institute, giving the names of essayists and speakers and the subjects dealt with, and a concise summary of the papers and discussions, shall be transmitted to the Lieutenant-Governor by the secretary-treasurer within two weeks after the annual meeting, and in case these particulars are not transmitted from any Institute it shall not receive any portion of the territorial grant for the year next following the date of the meeting in respect of which the default takes place.

9. In the event of an officer of a Farmers' Institute dying or resigning office, or in any way proving to be disqualified, during the time for which he has been elected, it shall be the duty of the remaining officers to appoint a person to fill the office for the unexpired term of the person so dying or resigning or proving to be disqualified.

10. Meetings of members or officers of Farmers' Institutes, except when otherwise provided herein, shall be held pursuant to adjournment, or by written notice mailed by the secretary-treasurer to each member or officer, under instructions from the president, or, in his absence, of the vice-president, at least two weeks before the day appointed for the meeting. At meetings of members ten shall be a quorum, and at meetings of officers five shall be a quorum.

11. There shall be payable yearly out of the General Revenue Fund, to each Farmers' Institute formed under this Ordinance, a sum of money equal to the payment made by members in the year of payment, such sum not to exceed Fifty Dollars, such payment to be charged against any money appropriated for public improvements in the Electoral District or Districts, in which such Institute is located. Provided that no such payment shall be made unless,

- (1.) The Institute has 25 *bona fide* members ;
- (2.) Held at least two meetings in the District or Districts during the year, for which payment is sought, for the discussion of Agricultural subjects ;

(3.) The Member or Members for the Electoral District or Districts, as the case may be, in which the Farmers' Institute is situate, have in writing recommended such payment.

12. All returns, communications, etc., required by this Ordinance to be transmitted to the Lieutenant-Governor, shall be sent through the mail, registered.





**No. 9 of 1890.**

AN ORDINANCE TO AMEND CHAPTER 10 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, 1888, INTITULED "AN ORDINANCE RESPECTING FIRE DISTRICTS."

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Section 1 of the said Ordinance is hereby amended by striking out the word "male" where it occurs, and inserting in lieu thereof the words, "owner or," and by striking out also the words, "over eighteen years of age resident for three months."

2. Section 2 of the said Ordinance is hereby amended by striking out the word "of" after the word "residents," where it first occurs, and inserting in lieu thereof the words, "residing in."

**No. 10 of 1890.**

AN ORDINANCE TO AMEND CHAPTER II OF THE  
REVISED ORDINANCES OF THE NORTH-WEST  
TERRITORIES, 1888, INTITULED "THE HERD  
ORDINANCE."

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Section 8 of "The Herd Ordinance" is hereby amended by adding thereto the words:—

"If the owner be not known, or, after reasonable enquiry in the neighbourhood, discovered, the animals distrained may be at once impounded, and the proceedings thereafter shall be those provided by Section 8 and the following Sections of Chapter 13 of the Revised Ordinances, which Sections in the cases aforesaid shall be held to be incorporated in this Ordinance and apply."

2. The restriction in Section 17, "The provisions of this Ordinance shall not apply in the districts west of Range sixteen, west of the Third Principal Meridian" shall not apply within the Electoral District of Battleford.

## No. 11 of 1890.

AN ORDINANCE TO AMEND CHAPTER 25 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, 1888, INTITULED "THE GAME ORDINANCE."

[Assented to November 29th, 1890.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Sections 3, 4, 7, 9, 12, and 14 of the said Ordinance are hereby repealed, and the following Sections respectively are substituted therefor:—

3. No person shall fire at, hunt, take or kill, in any year:

(1.) Any buffalo;

(2.) Any grouse, partridge, pheasant or prairie chicken, between the First day of February and the First day of September;

(3.) Any kind of wild duck, snipe or plover, between the 15th day of May and the 1st day of September.

(4.) Any kind of wild goose, between the 15th day of May and the 15th day of August.

4. No person shall at any time disturb, injure, gather or take the eggs of any species of wild fowl or birds mentioned in this Ordinance.

7. No animal or bird named in the foregoing Sections, except geese and hares, and the animals (beaver excepted) mentioned in the next preceding Section shall be taken or killed at any time by means of any rope, snare, spring, cage, net or trap of any kind, and no engine shall be, at any time for such purpose, placed, constructed, erected or set either wholly or in part; and any person finding any



engine so placed, constructed, erected, or set, may take possession of or destroy the same without such person thereby incurring any liability therefor.

9. The Lieutenant-Governor may appoint guardians, having the power of constables, to enforce the provisions of this Ordinance. And every such guardian so appointed shall forthwith seize the carcasses of any animal or birds mentioned in the preceding Sections, or any portion thereof, found by him in the possession or custody of any person during any forbidden period and which appear to him to have been taken or killed during such period, or by any of the illegal means set forth herein, and bring them before the nearest Justice of the Peace, who, unless the person in whose possession the said carcasses are found, establishes to the satisfaction of the said Justice by his oath or otherwise that the provisions of this Ordinance in that respect have not been contravened, shall declare them confiscated either in whole or in part.

12. Any violation of any of the provisions of this Ordinance shall be an offence, punishable on summary conviction before a Justice of the Peace, as respects killing or taking of Buffalo, with a fine not exceeding \$100 ;

And as respects any other violation of this Ordinance, with a fine not exceeding \$50 and not less than \$5 with costs of prosecution in all cases, and on non-payment of such fine and costs forthwith after conviction, the offender shall be imprisoned in the nearest common gaol for a period not exceeding two months.

14. The Lieutenant-Governor upon application being made to him by any person, as hereinafter provided, may grant such person written permission to procure birds or eggs for scientific purposes during the close season.

(1.) Every such application shall state the kind and number of birds or eggs required, and the special scientific purposes for which such birds or eggs are intended, and every such application shall be verified by affidavit or declaration of the applicant.

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**No. 12 of 1890.****AN ORDINANCE TO AMEND "THE COMPANIES' ORDINANCE."**

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

**1.** Section 40 of "The Companies' Ordinance" is hereby amended by striking out the word "no" where it occurs therein.

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**No. 13 of 1890.**

AN ORDINANCE TO AMEND "AN ORDINANCE RESPECTING LIMITATION OF ACTIONS IN CERTAIN CASES," BEING CHAPTER 56 OF THE REVISED ORDINANCES, 1888.

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Section 1 of Chapter 56 of "The Revised Ordinances, 1888," is hereby amended by striking out the word "binding" therein and substituting therefor the word "lending."

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**No. 14 of 1890.**

AN ORDINANCE TO FURTHER AMEND ORDINANCE NO. 5 OF 1888, INTITULED "AN ORDINANCE RESPECTING THE PROFESSION OF MEDICINE AND SURGERY."

[Assented to November 29th, 1890.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Section 34 of the said Ordinance is hereby expunged and the following substituted therefor :—

34 The Council shall admit upon the Register any person possessing a diploma from any College in Great Britain and Ireland (having power to grant such diploma), entitling him to practice Medicine and Surgery, and who shall produce such diploma and furnish satisfactory evidence of identification.

(b.) The Council shall admit upon the Register any member of the College of Physicians and Surgeons of the Provinces of Manitoba, Ontario and Quebec upon producing satisfactory evidence of the same and of identification.

## No. 15 of 1890.

AN ORDINANCE TO FURTHER AMEND "THE REVISED ORDINANCE RESPECTING SCHOOLS," AND TO AMEND ORDINANCE NO. 20 OF 1889, AMENDING SAID ORDINANCE.

[Assented to November 29th, 1890.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Section 33 of the said Revised School Ordinance is hereby amended by striking out the words "before taking office" and inserting the following in lieu thereof: "within eight days after his election."

2. Subsection (4) of Section 48 of the said Revised School Ordinance is hereby amended by adding thereto the following words "and may erect and keep in order stabling accommodation."

3. Section 51 of the said Revised School Ordinance is hereby amended by striking out the words "within eight days after his election," and inserting the following in lieu thereof: "before the first regular meeting of the School Trustees."

4. Section 72 of the said Revised School Ordinance is hereby amended by striking out all the words after the word "Ordinance," where it occurs in the ninth line of said Section, and inserting the following in lieu thereof:—

"And upon any such disorganization of a School District, the Lieutenant-Governor may appoint one or more persons as Commissioners to adjust and settle the assets and liabilities of such District, and such Commissioner or Commissioners so appointed shall have full power and authority to sell and dispose of and convert into money all the assets and property of said District, and apply the same, so far as the

same will extend, first, in payment of the liabilities of said District, and secondly in payment of his or their remuneration, as hereinafter mentioned, and divide the surplus, if any, *pro rata* among the ratepayers of said District entitled to share therein, and in case the amount so realized shall be insufficient to pay and satisfy the liabilities of said District and his or their remuneration, then such Commissioner or Commissioners shall have full power and authority to assess, levy and collect, in the same manner as assessors and collectors are authorized to do by this Ordinance, such sum or sums of money as may be required to pay and satisfy such indebtedness, or any balance thereof remaining unpaid, and all expenses connected therewith, including his or their remuneration, which shall be fixed by the Lieutenant-Governor."

**5.** Section 79 of the said Revised School Ordinance, and Section 5 of the said Ordinance No. 20 of 1889, are hereby repealed and the following substituted therefor:—

79. In all Schools open during the whole year, there shall be seven weeks holidays, of which not less than two nor more than six weeks shall be given in Summer, and not less than one nor more than five in Winter, to be apportioned at the discretion of the various Boards of School Trustees. The Summer holidays shall fall between the 2nd day of July and the 31st day of August, and the Winter holidays shall commence on December 24th.

(1.) When a School is only open during certain months in Summer, the Trustees of such School may give holidays, not to exceed two weeks, between the 2nd day of July and the 31st day of August, at their discretion."

**6.** Section 171 of the said Revised School Ordinance is hereby amended by striking out the last three words in said Section.

**7.** Section 11 of the said Ordinance No. 20 of 1889 is hereby repealed.

**8.** Section 177 of the said Revised School Ordinance is hereby repealed and the following substituted therefor:—

**177.** To Schools in which the daily average attendance

is not less than sixty pupils, when not less than three teachers are employed, and when not less than fifteen pupils, in regular attendance at any one such School, have passed the examination prescribed by the Board of Education for entrance to the High School Branch of such Schools, a grant of \$350.00 in addition to the grants to which the School is otherwise entitled, may be made annually to such School for a High School Teacher, provided the certificates held by such Teacher are approved by the Board of Education, and the daily average attendance at the High School Branch of such School is at least ten.

Provided always that in any two adjacent School Districts, jointly fulfilling the above requirements, a "Union School" may be established in either District, at the discretion and under the management of the Trustees of both Districts.

9. Subsection (1) of Section 48 of the said Revised School Ordinance is hereby amended by adding thereto the following words :— "In the event of it not being found convenient to have the School house located exactly in the centre of the School District the Trustees may locate it elsewhere, within the District, upon receiving the consent of the Board of Education to such location."

10. At the annual election of School Trustees, the Returning Officer shall, if required by any person present, or may of his own accord, if deemed advisable, administer the following oath, which shall express the qualification of voters :—

I do solemnly swear that I am a *bona fide* resident ratepayer of (*give name of district in full*) ; that I am of the full age of twenty-one years ; that I am not an unenfranchised Indian ; that I have not before voted at this election ; and that I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God.

11. No grant for the quarter ending 30th June, in each year, shall be paid to any School, which is open during the whole year, until a Return in Form A appended to this Ordinance, has been sent in by the Trustees of the School District to the Lieutenant-Governor.



**12.** No grant for the Quarter ending 31st December, in each year, shall be paid to any School until a Return in Form B, appended to this Ordinance, has been sent in by the Trustees of the School District to the Lieutenant Governor.

# FORM A.—(For Schools open the whole Year.)

## TRUSTEES' RETURN

For the First Term ending..... June, 189.....for the..... Department in the School in.....  
 School District No..... of the N. W. T.

Teacher's Name.....  
 Length of Service in this School.....  
 Date School opened this Term.....  
 No. of Da's School was held during the Term.....  
 Pupils enrolled.....  
 Total Days' Attendance.....  
 Per Centage of Attendance.....  
 Boys..... Girls.....  
 Average Daily Attendance.....  
 Date and Duration of Holidays during the Year.....

## NUMBER OF PUPILS RECEIVING INSTRUCTION.

STANDARD.	Reading.	Spelling and Dictation.	Composition.	Writing.	Arithmetic.	Ethics.	Drill and Calisthenics.	Grammar.	Geography.	History, (Canadian).	History, (British).	Literature.	Book-Keeping.	Object Lessons.	Drawing.	Music.	Algebra.	Geometry.	Latin.	French.	Physiology and Hygiene.	Chemistry.	Botany.	Agriculture.	Kindergarten.	Vocatic Work, Etc., Etc.
I.....																										
II.....																										
III.....																										
IV.....																										
V.....																										
VI.....																										
VII.....																										
VIII.....																										

## HALF-YEARLY EXAMINATION.

No. of Pupils present.....  
 Subjects on which Pupils were examined.....  
 Comments by Trustees and others.....  
 No. of Parents and Visitors present.....  
 School Officers present.....



Total aggregate  
Attendance..  
No. of days  
School open..  
Daily average  
Attendance..  
Percentage of  
average At-  
tendance....

.....Teacher.

In Schools of two or more Departments, each Teacher must furnish a copy of this Return.

The daily average attendance shall be calculated by dividing the aggregate attendance of Pupils by the number of "School Days" in the Term.

This Return must be completely and accurately filled up.



## TEACHER'S AFFIDAVIT.

All the Blanks of this Return should be filled before the Affidavit is taken.)

I.....holding a valid.....class certificate from the Board of Education for the North-West Territories, do solemnly declare that I have taught and conducted the School (or the.....Department of the.....School) in.....School District No.....of the North-West Territories, in accordance with the requirements of "The School Ordinance" and the Regulations of the Board of Education, for the period of .....legally authorized days, during the School Term ending.....June, 18....; that only the text-books authorized by the Board of Education have been used; that the School Register has been faithfully and impartially kept; that to the best of my knowledge and belief all the statements in this Return are correct; that my agreement is in accordance with the Ordinance and the Regulations in that behalf, and that there is no collusion or understanding by which any portion of the agreement is to be made of no effect: and I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-judicial Oaths."

Declared before me at.....  
 this.....day of.....18.. }  
 ..... J. P. } Teacher.

## AFFIDAVIT OF TRUSTEES.

(The Signatures of two Trustees to the following Affidavit will be sufficient.)

The undersigned do hereby solemnly declare that the School (respecting which the Teacher has declared to specific statements made in this, our Return) has been supported and controlled in accordance with the provisions of "The School Ordinance," and the regulations thereunder made by the Board of Education, and that we have faithfully sought to procure and return herein accurate answers to each and every enquiry; and that, to the best of our knowledge and belief, this our Return is correct in every particular.

Declared before me at.....  
 this.....day of.....18.. }  
 ..... J. P. } Trustees.

Countersigned,

.....  
 Secretary of Trustees.

FORM B.

(For all Schools.)

TRUSTEES' ANNUAL RETURN

For the School Year ending 31st December, 18..... for the.....  
 Department in the School in ..... School District  
 No..... of the North-West Territories "

Teacher's Name..... Class of Certificate.....  
 Length of Service in this School..... Salary.....  
 Date School opened for the Year..... Date School closed.....  
 No. of Days School was held during the Year.....  
 No. of Pupils enrolled..... Boys..... Girls.....  
 Total Days Attendance..... Average Daily Attendance.....  
 Percentage of Attendance.....  
 Date and Duration of Holidays during the Year .....

NO. OF PUPILS RECEIVING INSTRUCTION WHEN SCHOOL CLOSED.

STANDARD.	Reading.	Spelling and Dictation.	Composition.	Writing.	Arithmetic.	Ethics.	Drill and Calisthenics.	Grammar.	Geography.	History (Canadian).	History (British).	Literature.	Book Keeping.	Object Lessons.	Drawing.	Music.	Algebra.	Geometry.	Latin.	French.	Physiology and Hygiene.	Chemistry.	Botany.	Agriculture.	Kindergarten.	Needlework, Etc., Etc.	Other.
I.....																											
II.....																											
III.....																											
IV.....																											
V.....																											
VI.....																											
VII.....																											
VIII.....																											

HALF-YEARLY EXAMINATION.

No. of Pupils present.....No. of Parents and Visitors present.....  
 School Officers present.....  
 Subjects on which Pupils were examined.....  
 Comments by Trustees and others.....

AFFIDAVIT OF TRUSTEES.

(The signature of two Trustees to the following Affidavit will be sufficient.)

The undersigned do hereby solemnly declare that the School (respecting which the Teacher has declared to specific statements in this our Return) has been supported and controlled in accordance with the provisions of "The School Ordinance," and the Regulations thereunder made by the Board of Education, and that we have faithfully sought to procure and return herein accurate answers to each and every enquiry; and that, to the best of our knowledge and belief, this our Return is correct in every particular.

Declared before me at ..... }  
 this..... day of..... 18... }  
 J. P. } Trustees.

Countersigned,

Secretary of Trustees



Total aggregate  
Attendance..  
No. of days  
School open..  
Daily average  
Attendance..  
Percentage of  
average At-  
tendance....

..... Teacher.

In School's of two or more Departments, each Teacher must furnish a copy of this Return.

The daily average Attendance shall be calculated by dividing the aggregate Attendance of Pupils by the number of "School Days" in the Term.

This Return must be carefully and accurately filled up.





**No. 16 of 1890.**

**AN ORDINANCE RESPECTING LIFE INSURANCE**

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. In this Ordinance, “maturity of the policy,” or “maturity of the contract,” means the happening of the event or the expiration of the term at which the benefit under the policy or contract accrues due.

2. Any person may insure his life for the whole term thereof, or for any definite period, for the benefit of his wife, or of his wife and children, or of his wife and some one of his children, or of his children only, or of some one of them, and where the insurance is effected for the benefit of more than one, he may apportion the amount of the insurance money as he may deem proper.

3. The insurance may be effected either in the name of the person whose life is insured, or in the name of his wife, or of any other person (with the assent of such other person) as trustee.

4. In case a policy or written contract of life insurance, effected by a man on his life, is expressed upon the face of it to be for the benefit of his wife, or of his wife and children, or any of them, or in case he has heretofore endorsed or may hereafter endorse, or by any writing identifying the policy by its number or otherwise has made or may hereafter make a declaration that the policy is for the benefit of his wife or of his wife and children, or any of them, such policy shall enure and be deemed a trust for the benefit of his wife for her separate use, and of his children, or any of them, according to the intent so expressed or declared and so long as any object of the trust remains the money payable under the policy shall not be subject to the control of the husband

or his creditors, or form part of his estate, when the sum secured by the policy or written contract becomes payable, but this shall not be held to interfere with any pledge of the policy to any person prior to such declaration.

(1.) In the case of a policy or written contract of life insurance effected before marriage, a declaration under this Section shall be, and be deemed to have been, as valid and effectual as if such policy or contract had been effected after marriage, but nothing herein contained shall affect any action or proceeding now pending.

5. The insured may, by an instrument in writing attached to or endorsed on or identifying the policy by its number or otherwise, vary an apportionment previously made, so as to extend the benefits of the policy to the wife or the children, to one or more of them, although the policy is expressed to be for the benefit of the wife alone, or the child or children alone, or although a prior declaration was so restricted; and he may also apportion the insurance money among the persons intended to be benefited; and may from time to time, by an instrument in writing attached to or endorsed on the policy or referring to the same, alter the apportionment as he deems proper; he may also, by his will, make or alter the apportionment of the insurance money; and an apportionment made by his will shall prevail over any other made before the date of the will, except so far as such other apportionment has been acted on before notice of the apportionment by the will.

(1.) This Section applies to policies heretofore issued as well as to future policies.

6. Where no apportionment is made, all persons entitled to be benefited by the insurance shall be held to share equally in the same: and where it is stated in the policy or declaration that the insurance is for the benefit of the wife, and children generally, or of the children generally, without specifying the names of the children, the word children shall be held to mean all the children of the insured living at the maturity of the policy, whether by his then or any former wife and the wife to benefit by the policy shall be the wife living at the maturity thereof.

(1.) Any such policy may be surrendered or assigned;

(a.) Where the policy is for the benefit of children only and the children surviving are all of the full age of twenty-

one years, if the person insured and all such surviving children agree to so surrender or assign; or

(b.) Where the policy is for the benefit of both a wife and children, and the surviving children are all of the full age of twenty-one years, if the person insured and his then wife (if any) and all such surviving children agree to so surrender or assign; or

(c.) Where the policy is for the benefit of a wife only, or of a wife and children, and there are no children living of the person insured, and his then wife agrees to so surrender or assign.

7. Where an apportionment as in Sections 2 and 5 provided for has been made, if one or more of the persons, in whose favor the apportionment has been made, die in the lifetime of the insured, the insured may, by an instrument in writing, attached to or endorsed on or otherwise referring to and identifying the policy of insurance, declare that the share formerly apportioned to the person so dying shall be for the benefit of such other person or persons as he may name in that behalf, not being other than the wife and children of the insured, and in default of any such declaration the share of the person so dying shall be the property of the insured, and may be dealt with and disposed of by him as he may see fit, and shall at his death form part of his estate.

8. Where no apportionment as in Sections 2 and 5 provided for has been made, if one or more of the persons entitled to the benefit of the insurance die in the lifetime of the insured, and no apportionment is subsequently made by the insured, the insurance shall be for the benefit of the survivor or of the survivors of such persons in equal shares if more than one; and if all the persons so entitled die in the lifetime of the insured, the policy and the insurance money shall form part of the estate of the insured; or after the death of all the persons entitled to such benefit, the insured may, by an instrument executed as aforesaid, make a declaration that the policy shall be for the benefit of his then or any future wife or children or some or one of them.

9. When the insurance money becomes due and payable, it shall be paid according to the terms of the policy or of any declaration or instrument as aforesaid, as the case

may be, free from the claims of any creditors of the insured except as herein provided.

(1.) Where the insurance money or part thereof is for the benefit, in whole or in part, of the children of the insured, and the children are mentioned as a class and not by their individual names, the money shall not be payable to the children until reasonable proof is furnished to the company of the number, names and ages of the children entitled.

10. The insured may, by the policy or by his will or by any writing under his hand, appoint a trustee or trustees of the money payable under the policy, and may from time to time revoke such appointment in like manner, and appoint a new trustee or new trustees, and make provision for the appointment of a new trustee or trustees, and for the investment of the money payable under the policy. Payment made to such trustee or trustees shall discharge the company.

11. If no trustee is named in the policy or appointed as mentioned in Section 10 to receive the shares, to which infants are entitled, their shares may be paid to the executors of the last will and testament of the insured, or to a guardian of the infants duly appointed by the Supreme Court of the North West Territories, or a Judge thereof, upon the application of the wife, or of the infants, or their guardian, and such payment shall be a good discharge to the insurance company.

12. Any trustee named as provided for in the last preceding two Sections and any executor or guardian may invest the money received in government securities, or municipal or school debentures, or in mortgages of real estate, or in any other manner authorized by the will of the insured, and may from time to time alter, vary and transpose the investments, and apply all or any part of the annual income arising from the share or presumptive share of each of the children in or towards his or her maintenance and education in such manner as the trustee, executor or guardian thinks fit, and may also advance to and for any of the children, notwithstanding his or her minority, the whole or any part of the share of the child of and in the money, for the advancement or preferment in the world or on the marriage of such child.



**13.** A guardian appointed under Section 11 shall give security to the satisfaction of the Court or Judge for the faithful performance of his duty as guardian and for the proper application of the money which he may receive. Where the amount of the insurance money payable to a guardian of infants, does not exceed \$400.00 and probate is sought in respect of a will, for the sole purpose of obtaining insurance money to an amount not exceeding \$400.00, the fees payable on the appointment of such guardian or executor shall be \$4.00 and no more, and such fees shall be regulated in the manner prescribed.

**14.** If there is no trustee, executor or guardian competent to receive the share of any infant in the insurance money, and the insurance company admit the claim or any part thereof, the company at any time after the expiration of two months from the date of their admission of the claim or part thereof, may obtain an order from the Supreme Court of the North-West Territories, or a Judge thereof, for the payment of the share of the infant into Court; and in such case the costs of the application shall be paid out of the share (unless the Court or Judge otherwise directs), and the residue shall be paid into Court pursuant to the order; and such payment shall be a sufficient discharge to the company for the money paid; and the money shall be dealt with as the Court or Judge may direct.

(1.) If the company does not, within four months from the time the claim is admitted, either pay the same to some person competent to receive the money under this Ordinance or pay the same into the Supreme Court, the said Court or Judge thereof may, upon application made by some one competent to receive the said money, or by some other person on behalf of the infant, order the insurance money or any part thereof to be paid to any trustee, executor or guardian competent to receive the same, or to be paid into Court to be dealt with as the Court or Judge may direct, and any such payment shall be a good discharge to the company.

(2.) The Court or Judge may order the costs of the application, and any costs incidental to establishing the authority of the party applying for the order, to be paid out of such moneys or by the company or otherwise as may seem just, and the Court or Judge may also order the costs of and incidental to obtaining out of Court moneys voluntarily paid in by a company to be paid out of such moneys.

**15.** If a person who has heretofore effected, or who hereafter effects, an insurance for the purposes contemplated by this Ordinance, whether the purpose appears by the terms of the policy, or by endorsement thereon, or by an instrument referring to and identifying the policy, finds himself unable to continue to meet the premiums, he may surrender the policy to the company and accept in lieu thereof a paid-up policy for such sums as the premiums paid would represent, payable at death or at the endowment age or otherwise (as the case may be), in the same manner as the money insured by the original policy if not surrendered would have been payable; and the company may accept the surrender and grant the paid-up policy, notwithstanding any declaration or direction in favor of the wife and children or any or either of them.

**16.** The person insured may from time to time borrow from the company insuring, or from any other company or person, on the security of the policy, such sums as may be necessary, and the same shall be applied to keep the policy in force, on such terms and conditions as may be agreed on; and the sums so borrowed, together with such lawful interest thereon as may be agreed, shall, so long as the policy remains in force, be a first lien on the policy and on all moneys payable thereunder, notwithstanding any declaration or direction in favor of the wife or children or any or either of them.

**17.** Any person insured under the provisions of this Ordinance may, in writing, require the insurance company to pay the bonuses or profits accruing under the policy or portions of the same to the insured; or to apply the same in reduction of the annual premiums payable by the insured, in such way as he may direct; or to add the said bonuses or profits to the policy; and the company shall pay or apply such bonuses or profits as the insured directs, and according to the rates and rules established by the company; provided always, that the company shall not be obliged to pay or apply such bonuses or profits in any other manner than stipulated in the policy or the application therefor.

**18.** In case of several actions being brought for insurance money, the Court is to consolidate or otherwise deal therewith, so that there shall be but one action for and in

respect of the shares of all the persons entitled under a policy. If an action is brought for the share of one or more infants entitled, all the other infants, or the trustees, executors or guardians entitled to receive payment of the shares of such other infants, shall be made parties to the action, and the rights of all the infants shall be dealt with and determined in one action. The persons entitled to receive the shares of the infants may join with any adult persons claiming shares in the policy. In all actions, where several persons are interested in the money, the Court or Judge shall apportion among the parties entitled any sum directed to be paid, and shall give all necessary directions and relief.

**19.** No declaration or appointment affecting the insurance money, or any portion thereof, nor any appointment or revocation of a trustee, shall be of any force or effect as respects the company until the instrument or a duplicate or copy thereof is deposited with the company. Where a declaration or endorsement has been heretofore made and notice has not been given, the company may, until they receive notice thereof, deal with the insured, or his executors, administrators or assigns, in respect of the policy, in the same manner and with the like effect as if the declaration or endorsement had not been made.

**20.** If the policy was effected and premiums paid by the insured with intent to defraud his creditors, the creditors shall be entitled to receive out of the sum secured an amount equal to the premiums so paid.

**21.** Nothing contained in this Ordinance shall be held or construed to restrict or interfere with the right of any person to effect or assign a policy for the benefit of his or her father, mother, husband or wife or children, or some or one of them in any other mode allowed by Law.

**22.** Where all the persons entitled to be benefited, whether by original insurance, by written declaration or instrument of variation or apportionment, under any policy, are of full age, they and the person insured may surrender the policy or assign the same, either absolutely or by way of security.

**23.** Where any policy of insurance or written contract of life insurance or the declaration endorsed upon or attached

to any policy of insurance to which this Ordinance applies, whether such declaration has heretofore been or shall hereafter be made, provides that the policy shall be for the benefit of a person, and in the event of the death of such person, for the benefit of another person, such first mentioned person shall, if living, be deemed, for the purposes of Section 22 of this Ordinance, the person entitled to be benefited under such policy.

**No. 17 of 1890.**

**AN ORDINANCE FOR THE ENCOURAGEMENT OF  
MECHANICS' AND LITERARY INSTITUTES.**

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. This Ordinance may be cited as “The Mechanics' and Literary Institutes Ordinance.”

2. A Mechanics' and Literary Institute shall be held to have been organized under the provisions of this Ordinance, whenever thirty (30) persons, resident in any town or village incorporated or otherwise, or in any township or two townships contiguous, in either of which there is not already organized an Institute under this Ordinance, have signed a declaration setting out the amounts subscribed by each and naming the place where the Institute purposes to carry on its objects, and forwarded the same to the Lieutenant-Governor, with an accompanying certificate, signed by one of the subscribers and verified before a Justice of the Peace or a Notary Public. Such declaration and certificate to be in the form A to this Ordinance annexed.

3. Upon the Lieutenant-Governor acknowledging the receipt of a declaration as aforesaid, expressing his approval of the organization of the proposed Institute, the party making the certificate accompanying the same, or in his absence any one appointed by the Lieutenant-Governor, shall call a meeting for the election of the various officers by public notice published for two weeks in the nearest newspaper or posted in five conspicuous public places at least fifteen days before the time fixed for holding such meeting, and it shall be held in the place where the Institute intends prosecuting the objects for which the same has been organized.

4. Any person may become a member of a Mechanics' and Literary Institute organized under this Ordinance, by paying to the Treasurer thereof yearly the sum of one dollar.



5. The objects of Institutes, organized under this Ordinance, shall be to encourage mechanics, manufactures and arts generally,

(a) By having evening classes organized for the imparting of practical instruction to its pupils ;

(b) By establishing a library of books on one or more of the following subjects, viz.: Mechanics, Manufactures, Agriculture, Horticulture, Philosophy, Science, the Fine and Decorative Arts, History, Travels, Poetry, Biography and Fiction ;

(c) Establishing a Reading Room.

6. The annual meeting of every Institute shall be held in the month of October in each year on the call of the President, who shall give eight days written or printed public notice thereof, when there shall be elected a President, Vice-President, a Secretary-Treasurer and not less than five Directors and an Auditor ; and the persons entitled to vote at such annual meeting shall be paid up members for the ensuing year.

7. The meeting of the officers shall be held pursuant to adjournment, or called by written notice given by authority of the President, or in his absence the Vice-President, or at the request of any three officers, at least five days before the day appointed, and at any meeting four shall be a quorum.

8. The officers of an Institute shall present at the annual meeting a report of their proceedings during the year, in which shall be stated the names of the members of the Institute, the amount paid by each set opposite his name, the classes organized, a list of books purchased, a list of newspapers and periodicals on file, together with such remarks on the progress of the organization and the use to which it has been put, as the Directors are enabled to offer.

9. There shall also be presented at the annual meeting a detailed statement of the receipts and disbursements of the Institute during the year, which said statement shall be audited by the Auditor in that behalf, before being submitted to the said meeting.

10. The said report and statement, if approved by the meeting, shall be entered in the journals of the Institute,

kept for such purpose and signed by the President or Vice-President as being a correct entry, and a true copy thereof, certified by the President and Secretary for the time being, shall be forwarded to the Lieutenant-Governor within one month from the date of such meeting.

**11.** The officers shall answer and give such information as in their power lies, that the Lieutenant-Governor may, from time to time, require, touching the interest and condition of the objects of the organization in their locality.

**12.** The funds of the Institute, however derived, may be expended for any object not inconsistent with those authorized by this Ordinance; provided that not more than one-quarter of the amount received shall be expended for the purpose of a Reading Room.

**13.** No Institute, that may be established under this Ordinance, shall be entitled to receive any grant of money from the North-West Government, unless the amounts of subscriptions paid up and funds subscribed or contributed shall have been verified by a Statutory Declaration by the Secretary-Treasurer thereof, who shall forward the same to the Lieutenant-Governor, on or before the 30th day of June in each year.

**14.** Each Institute formed under this Ordinance shall be a corporation with a corporate seal, under the name of the Mechanics' and Literary Institute of (inserting the distinguishing name of the Institute) and shall have power to acquire, hold, sell, mortgage, lease, or otherwise dispose of or encumber real estate and other properties real and personal.

## SCHEDULE.

### FORM A.

(*Vide Section 2.*)

We, the undersigned, respectively residing in the (town, village, township or townships, and of the latter give the range) of \_\_\_\_\_ in the District of \_\_\_\_\_ agree to form ourselves into an In-

stitute under the provisions of "The Mechanics' and Literary Institutes Ordinance," under the name of the Mechanics' and Literary Institute of \_\_\_\_\_, and we respectively promise to pay to the Treasurer of the said Institute annually, as long as we continue members thereof, the sum set opposite our respective names, and to conform ourselves to the By-laws and Regulations of the said Institute, and we hereby state that we purpose carrying on the objects of our organization at the town or village of \_\_\_\_\_ or on the \_\_\_\_\_<sup>1</sup>/<sub>4</sub> Sec. \_\_\_\_\_ Tp. \_\_\_\_\_ Range \_\_\_\_\_ West \_\_\_\_\_ Meridian.

	NAME.	SUBSCRIPTION.
1	A. B.	\$
2	C. D.	
3	E. F.	

I \_\_\_\_\_ of \_\_\_\_\_, one of the subscribers to the above declaration, hereby certify that the sum of at least one dollar has been paid by each of the above subscribers as his first annual subscription to the proposed Mechanics' and Literary Institute of \_\_\_\_\_; and that I hold, on behalf of the said proposed Institute, the several amounts so paid.

Sworn before me at \_\_\_\_\_  
in the North-West  
Territories this \_\_\_\_\_ day } (Subscriber's signature.)  
of \_\_\_\_\_ A. D. 189 \_\_\_\_\_  
J. P. or N. P.

### FORM B.

(Vide Section 13.)

We, X. Y., President of the Mechanics' and Literary Institute of \_\_\_\_\_ (here insert name of Institute), and R. P., Secretary-Treasurer of the said Institute, certify and declare that the said Institute is now regularly organized; that the actual number of members is \_\_\_\_\_ and that the sum of \$ \_\_\_\_\_ has been subscribed by and is now at the disposal of the said Institute.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_, A. D. 189 \_\_\_\_\_

X. Y., President.  
R. P., Sec.-Treas.

## No. 18 of 1890.

## AN ORDINANCE TO AMEND CHAPTER 12 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, 1888, INTITULED "AN ORDINANCE RESPECTING FENCES."

[Assented to November 29th, 1890.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Chapter 12 of The Revised Ordinances, 1888, is hereby amended by adding after paragraph (d), in subsection 1 in Section 2 of the said Chapter, the following paragraph:—

(e.) Of three or more wires, barbed or plain, on posts not more than thirty five feet apart, the wires being stapled to droppers not less than five feet in height, two inches in width and one and a half inches in thickness, or willow or other poles not less than five feet high and one inch in diameter at the small end, the said droppers or poles being placed (one end resting on the ground) at regular intervals of not more than five feet apart, provided the said droppers or poles may be placed not more than twelve feet apart, if, in addition to the requirements already imposed, there be securely attached to the top wire of the fence, along the whole length thereof, and not less than six inches apart, slats not less than two inches in width, or a pole not less than one inch in diameter at the small end.

2. Section 6 of the said Ordinance is hereby repealed and the following substituted therefor:—

6. Any person who erects, or has on his premises, a wire fence without a securely fastened top rail, or securely fastened to the top wire of the fence a slat not less than two inches in width, or pole not less than one inch in diameter at the small end, throughout the full length thereof, shall be guilty of an offence and be liable, upon summary conviction before a Justice of the Peace, to a penalty not exceeding one hundred dollars and costs, and in default of payment of such

fine and costs, to imprisonment not exceeding three months ; Provided that this Section shall not apply to fences erected in accordance with the provisions of paragraph (e) of subsection (1) of Section 2 of the said Ordinance.

**3.** The following fence, known as the A fence, is hereby declared to be a lawful fence in all parts of the Territories south of Townships numbered thirty-one, and shall be constructed as follows :—

Of two posts spiked together at the top and resting on the ground in the shape of an A, which shall be joined by a brace firmly nailed near the base—three rails shall be firmly nailed on one side of the A, the top rail not less than four feet six inches from the ground and the bottom rail not more than eighteen inches from the ground. There shall also be nailed on the other side of the A one rail not more than twenty inches from the ground.

Provided that north of Townships numbered Thirty the said fence shall require four rails instead of three, the lower rail to be not more than one foot from the ground, and the remaining three rails to be at equal distances apart to the top of the A.



## No. 19 of 1890.

### AN ORDINANCE TO AMEND THE REVISED ORDINANCE RESPECTING THE LEGAL PROFESSION.

[Assented to November 29th, 1890.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Subsection (1) of Section 2 of "The Revised Ordinances of the Territories, 1888," Chapter 41, is repealed and the following substituted :—

The Judge may grant such certificate to :

Any person who has been duly called to the Bar of England, Ireland or Scotland, or who has been admitted to practice as an Attorney or Solicitor in any of Her Majesty's Superior Courts of Law therein.

2. Sub-section (2) of Section 2 is hereby amended by adding thereto :—

(a) In case such articles of clerkship or assignment thereof, verified by affidavit as aforesaid, be not filed within such six months, the same may be filed by the said Registrar after the expiration thereof, but the service of such clerk shall be reckoned to commence and be computed from the day of filing the same, unless a Judge of the Supreme Court shall otherwise order.

(b) Any person articulated after the first of January, 1891, in addition to the foregoing, shall be required to produce to the Judge satisfactory evidence of his having matriculated in Arts in some University in the United Kingdom or a British Colony, or holding a Second Class Non-professional Certificate as a Teacher from the Board of Education for the Territories prior to the commencement of the term of his articles.

3. The following subsection is hereby added to Section 2 of said Ordinance :—

(3) Any person who has been duly called to the Bar of, or who as been admitted to practice as an Attorney, Advocate or Solicitor in, any of Her Majesty's Superior Courts of Law in any of the Provinces of the Dominion, in which the same privilege would be extended to Advocates from the North-West Territories, and who produces sufficient evidence of such call or admission, and testimonials of good character and good standing in the Law Society of the Province of which he is a Barrister, Attorney, Advocate or Solicitor, to the satisfaction of a Judge, but the fee payable by any person applying for enrollment under this subsection shall, unless the person applying be a permanent resident of the Territories, instead of the fee hereinbefore mentioned, be the same fee as an Advocate of the North-West Territories would require to pay in order to be called to the Bar of the Province of which the applicant for enrollment hereunder is a Barrister, Attorney, Advocate or Solicitor as the case may be.

4. Section 5 of said Ordinance is hereby repealed except as to cases where moneys received by any Advocates prior to such repeal.

5. The Laws in force in England at the time of the passing hereof, respecting Solicitors of the Supreme Court of Judicature therein, shall apply to Advocates of the North-West Territories, except in so far as such Laws may be inconsistent with any Law in force in the North-West Territories.

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**No. 20 of 1890.**

**AN ORDINANCE RESPECTING THE PERSONAL  
PROPERTY OF MARRIED WOMEN.**

[*Assented to November 29th, 1890.*]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Ordinance No. 16 of 1889 is hereby repealed.

2. A married woman shall, in respect of personal property, be under no disabilities whatsoever heretofore existing by reason of her coverture or otherwise, but shall, in respect of the same, have all the rights and be subject to all the liabilities of a *feme sole*.

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## No. 21 of 1890.

## AN ORDINANCE TO FURTHER AMEND "THE JUDICATURE ORDINANCE."

[Assented to November 29th, 1890.]

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

*The Judicature Ordinance is amended as follows:—*

1. Sections 136 to 143, both inclusive, are repealed.
2. Section 151 is amended by striking out the words "to answer interrogatories, or" where they occur therein.
3. Section 305 is amended by adding after the word "Advocate" the words "or Agent" and by adding at the end of the Section the words "except in cases of claims for board and lodging or either."
4. Sub-section (2) of Section 341 is amended by inserting the words "or other Officer" after the word "Sheriff" in the said subsection, and by adding at the end thereof the words "except in the case of a person claiming the benefit of any exemptions allowed by Law, or by any landlord for rent, or by any second or subsequent judgment or execution creditor claiming priority over any previous judgment or execution, process or proceeding."
5. Section 372 is amended by striking out the first 34 words thereof, and substituting the words, "The Court or Judge may appoint Guardians of Infants."
6. Section 415 is amended by inserting between the words "not" and "made" therein, the words "authorized to be."
7. Section 435 is amended by striking out the words "in matters of contract, exceeds the sum of five hundred dollars, and in matters of torts."

**8.** Section 450 is amended by inserting therein, after the word "trusts," the words "and compensation or allowance to any executor, administrator, guardian, committee, receiver or trustee."

**9.** Section 451 is repealed and the following substituted therefor:—

Provided also that where any action, cause, matter or issue is tried with a Jury, the costs shall follow the event unless the Judge by whom such action, cause, matter or issue is tried, or the Court, shall for good cause otherwise order. [E. 976.]

**10.** Section 452 is amended by striking out the words "to an order" and inserting in lieu thereof the words "to a summons to show cause why an order should not issue."

**11.** Section 462 is amended by inserting therein after the word "such" the words "and resident in the Territories."

**12.** Section 474 is amended by striking out the word "this" and substituting therefor the word "any."

**13.** Section 479 is repealed and the following substituted therefor:—

Subject to the special provisions of this Ordinance, the procedure and practice existing in England on the First day of January, A.D. 1890, shall, as nearly as may be, be held to be incorporated herewith.

**14.** Subsections 1 and 2 of Section 6 of Ordinance No 21 of 1889 are repealed and the following substituted therefor:—

(1.) The Plaintiff shall file with the Clerk a copy of his claim or demand in writing, and thereupon a summons shall issue in the Form A in the Appendix hereto.

(2.) The Plaintiff shall endorse upon the copy of his claim or demand filed his name and proper post office address.

**15.** Section 12 of Ordinance No. 21 of 1889 is repealed.

The following Sections are added to "The Judicature Ordinance :"—



## JUDGMENT IN DEFAULT OF PLEADING.

**16.** If the Plaintiff's claim be only for a debt or liquidated demand, and the Defendant does not, within the time allowed for that purpose, deliver a defence, the Plaintiff may, at the expiration of such time, enter final judgment for the amount claimed, with costs. [E. 295.]

**17.** When in any such action as in the last preceding Section mentioned there are several defendants, if one of them make default as mentioned in the last preceding Section, the Plaintiff may enter final judgment against the Defendant so making default, and issue execution upon such judgment without prejudice to his right to proceed with his action against other defendants. [E. 296.]

**18.** In all other actions than those in the last two preceding Sections mentioned, if the Defendant makes default in delivering a defence, the opposite party may apply to the Court or a Judge for such judgment, if any, as upon the pleadings he may appear to be entitled to. And the Court or Judge may order judgment to be entered accordingly, or may make such other order as may be necessary to do complete justice between the parties.

## AMENDMENT.

**19.** The Court or a Judge may, at any stage of the proceedings, allow either party to alter or amend his statement of claim or pleadings, in such manner and upon such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties. [E. 309.]

**20.** The Plaintiff may, without any leave, amend his statement of claim once at any time before the expiration of the time limited for reply and before replying. [E. 310.]

**21.** A Defendant who has set up any counterclaim, may, without any leave, amend such counterclaim at any time before the expiration of the time allowed him for answering the reply. [E. 311.]

**22.** Where any party has amended his pleading under either of the two preceding Sections, the opposite party may, within eight days after the delivery to him of the amended pleading, apply to the Court or a Judge to disallow the amendment, or any part thereof, and the Court or Judge may, if satisfied that the justice of the case requires it, disallow the same or allow it subject to such terms as to costs or otherwise as may be just. [E. 312.]

**23.** Where any party has amended his pleadings under Sections 20 or 21, the opposite party shall plead to the amended pleading, or amend his pleading, within the time he then has to plead, or within eight days from the delivery of the amendment, whichever shall last expire; and in case the opposite party has pleaded before the delivery of the amendment, and does not plead again or amend within the time above mentioned, he shall be deemed to rely on his original pleading in answer to such amendment. [E. 313.]

**24.** In all cases not provided for by the preceding Sections, application for leave to amend may be made by either party to the Court or a Judge, or to the Judge at the trial of the action, and such amendment may be allowed upon such terms as to costs or otherwise as may be just. [E. 314.]

**25.** If a party, who has obtained an order for leave to amend, does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby limited, then within fourteen days from the date of the order, such order to amend shall, on the expiration of such limited time as aforesaid, or of such fourteen days, as the case may be, become *ipso facto* void, unless the time is extended by the Court or a Judge. [E. 315.]

**26.** Any statement or pleading may be amended by written alterations in the copy which has been delivered, and by additions on paper to be interleaved therewith if necessary, unless the amendments require the insertion of more than 144 words in any one place, or are so numerous or of such a nature that the making them in writing would render the document difficult or inconvenient to read, in either of which cases the amendment must be made by delivering a printed or written copy of the document as amended. [E. 316.]

**27.** Whenever any statement or pleading is amended, the same, when amended, shall be marked with the date of the order, if any, under which the same is so amended, and of the day on which such amendment is made, in manner following, viz.: "Amended                      day of                      , [pursuant to order of                      , dated the                      day of                      .]" [E. 317.]

**28.** Whenever any statement or pleading is amended, such amended document shall be delivered to the opposite party within the time allowed for amending the same. [E. 318.]

**29.** Clerical mistakes in judgments or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Court or Judge on motion or summons, without an appeal. [E. 319.]

**30.** The Court or a Judge may, at any time, and on such terms as to costs or otherwise as the Court or Judge may think just, amend any defect or error in any proceedings, and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on the proceedings. [E. 320.]

**31.** The costs of and occasioned by any amendment shall be borne by the party making the same, unless the Court or Judge shall otherwise order. [E. 321.]

#### EXAMINATION FOR DISCOVERY.

**32.** Any party to an action, whether plaintiff or defendant, or in the case of a body corporate, any one who is or has been one of the officers of such body corporate, may, without any special order for the purpose, be orally examined before the trial touching the matters in question in any action by any party adverse in point of interest; and may be compelled to attend and testify in the same manner, upon the same terms, and subject to the same rules of examination, as any witness, except as hereinafter provided.

(1.) A person for whose immediate benefit an action is prosecuted or defended is to be regarded as a party for the purpose of examination.

**33.** The examination on the part of a plaintiff may take place at any time after the statement of defence of the party to be examined has been delivered, or after the time for delivering the same has expired; and the examination on the part of a defendant may take place at any time after such defendant has delivered his statement of defence; and the examination of a party to an issue, at any time after the issue has been filed.

**34.** Whenever a party is entitled to examine another party, he may procure an appointment therefor from the Clerk of the Supreme Court in the Judicial District where the action was commenced, and the party to be examined, upon being served with a copy of the appointment and a subpoena, and upon payment of the proper fees, shall attend thereon and submit to examination.

**35.** The party examining shall serve a copy of the appointment upon the Advocate of the party to be examined, if he has an Advocate in the cause, at least forty-eight hours before the examination.

**36.** Upon application to the Court or a Judge, an order may be made for the examination of any party liable to be examined as aforesaid, before any other person or in any other place, whether within or without the jurisdiction of the Court, than those before mentioned, and upon service of a copy of the appointment of the person before whom the examination is to take place and a copy of the order upon the party to be examined, and upon payment of the proper fees, he is to attend and submit to examination. A copy of the appointment shall be served upon the Advocate of the party at least forty-eight hours before the examination.

**37.** The party or person to be examined shall, if so required by notice, produce on the examination all books, papers and documents which he would be bound to produce at the trial under a *subpoena duces tecum*.

(a.) In the event of any witness on his examination, cross-examination or re-examination producing any book, document, letter, paper or writing and refusing for good cause, to be stated in his deposition, to part with the original thereof, then a copy thereof or extract therefrom, certified by the Examiner to be a true and correct copy or extract, shall be attached to the depositions and form part thereof.

**38.** Any party or officer so examined, may be further examined on his own behalf, or on behalf of the body corporate of which he is or has been an officer, in relation to any matter respecting which he has been examined in chief ; and when one of several plaintiffs or defendants has been examined, any other plaintiff or defendant united in interest may be examined on his own behalf, or on behalf of those united with him in interest, to the same extent as the party examined.

**39.** Such explanatory examination shall be proceeded with immediately after the examination in chief, and not at any future period, except by leave of the Court or a Judge, and for the purposes of this and the preceding Section, when the officer of a body corporate has been so examined as aforesaid, on behalf of the body corporate, the body corporate shall be deemed to be fully represented by such officer.

**40.** Any party or person examined orally under the preceding sub-sections shall be subject to cross-examination and re-examination ; and such examination, cross-examination and re-examination shall be conducted as nearly as may be in the mode in use on a trial.

**41.** A party to the action who admits, upon his examination, that he has in his custody or power any deed, paper, writing or document relating to the matters in question in the cause, upon the order of the person before whom he is examined, is to produce the same for his inspection, and for that purpose a reasonable time is to be allowed. But no party shall be obliged to produce any deed, paper, writing or document which is privileged or protected from production.

**42.** Either party may appeal from the order of the Examiner ; and thereupon the Examiner is to certify under his hand the question raised and the order made thereon.

**43.** Any party or person refusing or neglecting to attend at the time and place appointed for his examination, or refusing to be sworn or to answer any lawful question put to him by the Examiner or by any party entitled so to do or his Counsel, Advocate or Agent, shall be deemed guilty of a contempt of Court, and proceedings may be forthwith had



by attachment. If a defendant, he shall be liable to have his defence, if any, struck out and to be placed in the same position as if he had not defended ; and the party examining may apply to the Court or a Judge to that effect, and an order may be made accordingly.

**44.** If the party or person under examination demurs or objects to any question or questions put to him, the question or questions so put, and the objection of the witness thereto, shall be taken down by the Examiner and transmitted by him to the office of the Court where the pleadings are filed, to be there filed ; and the validity of such objection shall be decided by the Court or a Judge ; and the costs of and occasioned by such objection shall be in the discretion of the Court or a Judge.

**45.** Subject to the two next following sub-sections, the depositions taken upon any such oral examination as aforesaid shall be taken down in writing by the Examiner, not ordinarily by question and answer, but in the form of a narrative, expressed in the first person : and when completed shall be read over to the party examined and shall be signed by him in the presence of the parties or of such of them as may think fit to attend.

(a.) In case the party or person examined refuses or is unable to sign the depositions, then the Examiner shall sign the same ; and the Examiner may upon every examination state any special matter to the Court if he thinks fit.

(b.) It shall be in the discretion of the Examiner to put down any particular question or answer, if there appears to be any special reason for so doing, and any question or questions objected to shall, at the request of either party, be noticed or referred to by the Examiner in or upon the depositions ; and he shall state his opinion thereon to the Counsel, Advocates, Agents or parties, and, if requested by either party, he shall on the face of the depositions refer to such statement.

**46.** In case of an examination before the trial, or otherwise than at the trial of an action, if the examining party desires to have such examination taken in shorthand, he shall be entitled to have it so taken at the place of examination, except where the Court or a Judge sees fit to order otherwise.

**47.** Where an examination in a cause or proceeding in any Court is taken by the Examiner, or any other authorized person, in shorthand, the examination may be taken down by question and answer; and in such cases it shall not be necessary for the depositions to be read over to, or be signed by, the person examined, unless the Judge so directs where the examination is taken before a Judge, or in other cases unless any of the parties so desires.

(a.) A copy of the depositions so taken, certified by the person taking the same as correct, shall for all purposes have the same effect as the original depositions in ordinary cases.

**48.** Wherever, by virtue of the preceding sub-sections, an examination of any party or witness has been taken before a Clerk of the Supreme Court, or before any officer or other person authorized or appointed to take the same, the depositions taken down by the Examiner shall, at the request of any party interested and on payment of his fees, be returned to and kept in the office of the Clerk of the Court from which the proceedings are being carried on; and office copies of such depositions may be given out, and the examinations and depositions certified under the hand of the Examiner taking the same, or a copy thereof certified under the hand of the Clerk of the Court, shall without proof of the signature be received and read in evidence, saving all just exceptions.

**49.** Every person taking examinations under this Section may, and if need be shall, make a special report to the Court in which such proceedings are pending, touching such examinations and the conduct or absence of any witness or other person thereon or relating thereto; and the Court shall institute such proceedings and make such order upon such report as Justice may require, and as may be instituted and made in any case of contempt of Court.

**50.** Any party may, at the trial of an action or issue, or upon any application or motion, use in evidence any part of the examination of the opposite parties; provided always, that in such case the Judge may look at the whole of the examination, and if he is of opinion that any other part is so connected with the part to be so used that the last mentioned part ought not to be used without such other part, he may direct such other part to be put in evidence.

**No. 22 of 1890.**

**AN ORDINANCE TO INCORPORATE A GENERAL  
HOSPITAL AT CALGARY.**

[Assented to November 29th, 1890.]

Whereas certain persons hereinafter named, and others, have acquired a large lot of ground near the Town of Calgary, on which they intend to erect a commodious building for the purpose of receiving and attending the sick, without distinction of origin or religion ;

And whereas said persons, and others, have by their petition represented that they would be materially aided, and their Institution rendered more stable and effective, by the character of a legal Corporation being accorded to them :

Therefore, The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

**1.** Daniel Webster Marsh, George Clift King, Amos Rowe, William Pearce, James Walker, Cyprian Pinkham, Arthur Douglas Braithwaite, Herbert Samson, Charles Boromé Rouleau and James Alexander Lougheed, and such other persons as may from time to time become Members of the Corporation to be hereby incorporated, shall be and are hereby constituted a body politic and corporate by and under the name of “The Calgary General Hospital.”

**2.** The said Corporation by the name of “The Calgary General Hospital” shall have perpetual succession and a common seal, and by such name may, from time to time and at all times, purchase, acquire, receive, accept, build, hold, possess and enjoy for them and their successors, any lands, tenements, hereditaments and real and moveable property and estate within the Territories, together with such grants, devises, gifts and bequests, as may be made by and received from the Government of the Dominion of Canada, the North-West Territories, the Town of Calgary, and any other Corporation, person or persons whatsoever for the sole use and benefit of said Hospital: Provided always that the actual

value of such real estate so held as aforesaid does not at any one time exceed the sum of forty thousand dollars.

3. The affairs of the said Corporation shall be managed by a Board of Directors consisting of ten members, with power to add to their number, of which five shall constitute a quorum, and the said Daniel Webster Marsh, George Clift King, Amos Rowe, William Pearce, James Walker, Cyprian Pinkham, Arthur Douglas Braithwaite, Herbert Samson, Charles Boromé Rouleau, James Alexander Loughheed shall constitute the first Board of Directors, and shall continue to hold office and act as such Directors until their successors are appointed as hereinafter provided.

4. The Board of Directors shall employ proper persons to attend the sick placed in the said General Hospital, and provide for the interment of the dead ; and may appoint Committees of one or more of their number to execute the orders of the said Board.

5. The Board of Directors shall every year at their first Meeting after Election appoint from among themselves a Chairman, Secretary and Treasurer.

6. The said Board of Directors shall have power to meet, from time to time, for the transaction of the affairs of the said Corporation, of whom five shall form a quorum ; and in the absence of the Chairman or Secretary any Director present may be appointed to act for the time being as such Chairman or Secretary.

7. The said Board of Directors shall have power to make by-laws, rules and regulations, not being contrary to Law or to the provisions of this Ordinance, and power to amend, or repeal, from time to time, the same, for all purposes relating to and bearing upon the well-being and interests of the said Corporation.

8. All annual Subscribers, who shall have paid such sum, as may be fixed by the by-laws of the said Board of Directors, and whose names shall appear in a book kept for that purpose, shall be Members of the said Corporation and shall have the right to take part in the Annual Meeting of said Corporation.

**9.** A donation at any time of Fifty Dollars or upwards shall entitle the donor to life membership.

**10.** All Members, who shall have paid their annual subscriptions, as provided in Section 8, shall be eligible for election as Directors.

**11.** There shall be a General Annual Meeting of the Members of said Corporation on the second Monday of January in each year at an hour and place to be named by the Directors, and notice thereof shall be given by the Secretary by written notice and be published in one or more of the newspapers published in the Town of Calgary at least six days previous to the day of such meeting.

**12.** Provided that if from any cause such General Meeting shall not be held on the said second Monday of January, the Directors and Officers of said Corporation, then in office, shall continue in office until such General Annual Meeting is held, and their successors duly appointed, as hereinafter provided.

**13.** If such General Annual Meeting shall from any cause not be held on the day hereinbefore appointed for the same, then it shall be lawful for the Directors then in office to decide upon another day for the holding of a General Annual Meeting, which day shall be within two months after the time when the same should have been held, and such meeting shall be called in the same manner, as it was called on the proper day, and at such meeting all business may be transacted and all things done in the same manner, as the same would have been transacted and done, if such meeting had been held on the day aforesaid.

**14.** A full report shall be submitted by the Directors to the said General Meeting, for its consideration and approval, showing the condition of the affairs of said Corporation, including the Treasurer's report, the Steward's report, receipts and disbursements, and all other matters bearing on the interests of the said Corporation, also a list showing the names of Members.

**15.** The Members present at the Annual Meeting shall proceed to elect the Directors for the ensuing year by ballot,



and the ten Members receiving the highest number of votes, shall be the Directors for the ensuing year.

**16.** The said General Annual Meeting shall elect an Auditor for the ensuing year, and the Board of Directors at their first meeting thereafter shall also appoint an Auditor; and it shall be the duty of such Auditors to examine and report upon all accounts affecting the said Corporation, or relating to any matter under its control or within its jurisdiction for the year previous; and they shall prepare an abstract of the receipts, expenditures and liabilities of the said Corporation, and shall submit the same to the Directors on or before the said Annual Meeting.

**17.** It shall be the duty of the said Corporation on or before the first day of January in each year to transmit to the Lieutenant-Governor, for the information of the Legislative Assembly of the North-West Territories, a return of the affairs of such Corporation, showing in detail the assets and liabilities, and the number of sick persons received and attended to, specifying the nature of their diseases, during the preceding year in the said General Hospital.

**18.** The Directors of such Corporation shall, if they have been requested so to do by the Lieutenant-Governor in Council, and provided they are in receipt of public funds of the Territories, keep in such Hospital, at such time and for such period, as may be determined by the Lieutenant-Governor in Council, an adequate supply of vaccine matter for the following purposes, viz:—

(a.) For the vaccination, by a qualified person attached to such Hospital, at the expense of the same, of all poor persons, and, at their own expense, of all other persons, who may attend at such Hospital, for that purpose during one day in every week; the fee to be charged for such vaccination not in any case to exceed seventy-five cents, and to be used and applied for the benefit of the Hospital.

**19.** The said Corporation shall in its management be always non-denominational.

**20.** This Ordinance may be cited as "The Calgary General Hospital Ordinance."

## **No. 23 of 1890.**

### **AN ORDINANCE TO INCORPORATE THE LETHBRIDGE WATERWORKS AND ELECTRIC LIGHT COMPANY.**

*[Assented to November 29th, 1890.]*

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows :—

1. Elliott Torrance Galt, Railway Manager; Charles Alexander Magrath, Surveyor ; Charles Coursolles McCaul, Advocate ; Charles Frederick Pringle Conybeare, Advocate ; all of Lethbridge, in the District of Alberta, in the North-West Territories, and John Galt, of the City of Winnipeg, in the Province of Manitoba, Merchant, together with such other parties or persons as shall be and become shareholders in the said Company, are hereby constituted a body corporate and politic under the name of The Lethbridge Waterworks and Electric Light Company (Limited).

2. The said Company shall have full power and authority to construct, equip and maintain, at or in the neighbourhood of Lethbridge, such dams, buildings, works, engines, machinery, and contrivances as the Company shall deem necessary or desirable for the supplying of water or furnishing electric light to persons and corporations residing, domiciled or carrying on business within the limits hereinafter described, namely, Townships numbered eight and nine, in Ranges twenty-one and twenty-two West of the Fourth Initial Meridian, in the North-West Territories.

(2.) The Company may construct and maintain reservoirs, mains, pipes, hydrants, and other works, contrivances and devices, for the storage, filtration and purification of water, and for the conveyance of water from its works and reservoirs, and the supply and service of the same to consumers.

(3.) And may construct, erect and maintain overhead or underground, lines of wire for the conduct of electricity,

and may construct, erect and maintain such poles, trenches and other works and devices, and stretch, establish and maintain such wires and circuits as the Company may deem necessary or desirable for making, completing, altering, improving and carrying on the system of electric lighting.

(4.) For all or any purposes of the Company, the Company, its servants or workmen or agents, is hereby empowered to enter upon any street, road, highway, lane and public square or place, and to break up, dig or open any part whatsoever of the same, and to lay mains and pipes, and construct hydrants and works, and to erect poles and stretch wires, whether underground or overhead, thereon or thereunder.

(5.) Provided always, that if any of such streets, roads, highways, lanes, public squares or places are or shall be within the limits of any Municipality or Incorporated Town, any works of the Company thereon shall be subject to the directions and approval of such Municipality or Incorporated Town, and shall be conducted in such manner as the Council or the Mayor and Council direct.

(6.) Provided that the Company shall do no unnecessary damage, and shall in all cases restore the surface disturbed by them, so far as possible, to its former condition.

(7.) The said Company shall have free access to the channel, stream, waters and back-waters of the Belly River at such point or points as the Company may deem necessary or desirable, and the Company is hereby empowered to draw off the waters of the same, and to construct works in, into, or under the same, and to construct such cribs, sluices, flumes and reservoirs as may be necessary or desirable, any proprietary rights to the contrary (if any) notwithstanding.

(8.) The Company shall have the right, by their servants, workmen or agents, to enter upon any lands in Township Eight or Nine aforesaid, to examine, survey or make plans of the same or any part thereof, making compensation for any damages suffered by any person or persons or corporations by reason thereof.

(9.) In case the Company shall require any portions of the said lands for the purposes of the Company, or shall require to lay pipes or mains, or erect poles or wires, in, upon, or over the said lands, and in case the proprietor or proprietors thereof and the Company fail to agree as to the consideration or the terms of the transfer of the said lands, or of such easement or interest therein as the Company may

from time to time require, the Company shall be at liberty to take, hold, use and acquire such lands, for such estate, right, title, easement or interest as may seem desirable or necessary to the Company, but subject to the following clauses:—

(a.) The authority of a Judge of the Supreme Court of the North-West Territories must be first had and obtained.

(b.) The Company may commence proceedings to obtain such authority by originating summons or application *ex parte* to a Judge, to be served in such manner as is directed by the Civil Justice Ordinance in regard to service of writs of summons, or as a Judge, on special application for such purpose *ex parte*, shall direct.

(c.) If the Judge is of the opinion that the granting of the application is proper and just under all the circumstances of the case, he shall make such order in the premises he may deem proper and expedient, and on such conditions as he may determine, and may assess the sum or sums (if any) to be paid as the value of the lands or the easement or interest therein to be acquired, or as damages for any lands injuriously affected, which ought to be paid by the Company, and shall make such order as to costs as to him shall seem just.

(d.) The sum or sums so assessed, or awarded as costs (if any), shall be paid to the party or parties entitled thereto, or into Court, as the Judge may direct, and any such payment to be made by the Company shall be made before the powers aforesaid or any of them shall be exercised, and within sixty days after the order is made, and in default the Company shall be debarred from all benefit under the said order, but the same may be proceeded on by the other party or parties thereto to enforce payment of the costs, if any, payable by the Company.

(e.) Upon payment by the Company of the moneys ordered to be paid by them, if any, as directed by the order, the Judge may issue an order, subject to the provisions hereinbefore contained, vesting in the Company any land, or any interest or easement in respect of any land, in respect of which such payment shall have been made.

(10.) None of the rights conferred by subsections (7), (8) and (9) of this Section shall be exercised by the Company, where the exercise thereof would in any way interfere with the mining or railway operations of the North-Western Coal and Navigation Company, limited, or of The Alberta Railway and Coal Company, and in the event of any dispute

arising as to whether the exercise of any such rights by the Company would interfere with such mining or railway operations, the question shall be referred to a Judge of the Supreme Court of the North-West Territories, who shall have the power to appoint such engineer or other expert to hear and determine the question, and upon such terms and conditions as the said Judge may deem necessary.

3. The capital stock of the said Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, and such capital stock may, from time to time, as may be deemed necessary or desirable, be increased by a vote of not less than two-thirds (in value) of the shareholders present in person or by proxy at a meeting of the Company to be called for that purpose, to an amount not exceeding three hundred thousand dollars.

4. The said Charles Alexander Magrath, Charles Coursoles McCaul, Charles Frederick Pringle Conybeare and Elliott Torrance Galt shall be provisional directors of the said Company (of whom three shall form a quorum) and shall hold office as such until the first election of directors; and shall have power to open stock-books and procure subscriptions of stock, to allot the same and receive payment on account thereof, and to make calls in respect of the same, and to sue for and recover the same, and to cause plans, surveys and reports to be made, and to enter into any contracts or agreements on behalf of the Company, and to receive any gifts or bonus, whether in land, cash or otherwise, on behalf of the Company

5. The head office of the Company shall be at Lethbridge, where meetings of the Company and of the directors shall be held.

6. The directors of the Company, when authorized by special general meeting of the shareholders, to be called from time to time for that purpose, may issue bonds and debentures, made and signed by the President of the Company, and countersigned by the Secretary or Treasurer, for prosecuting either the electric light or the waterworks section of the undertaking, or for the joint undertaking, payable at such place in Canada or elsewhere, and at such time and in such manner, and bearing such rate of interest, as the



directors shall deem proper, and the directors shall have power to issue and sell or pledge all or any of their said bonds or debentures, at such price and upon such terms and conditions as they may from time to time deem advisable, and the said bonds and debentures hereby authorized to be issued shall, without registration or formal conveyance, be the first preferential claim or charge upon the property and assets of the Company, present or future, together with the tolls, revenue and income thereof, except as hereinafter provided, and each holder of said bonds or debentures shall be deemed a mortgagee or encumbrancee on said property and assets, and tolls, revenue and income, *pro tanto* and *pro rata* with the other bond or debenture holders, and such bonds and debentures shall have priority according to the date of issue of the same, but such tolls, revenue and income shall be subject, in the first instance, to the payment of the working expenses of the Company and undertaking.

7. All bonds, debentures and other securities granted for the purposes aforesaid may be made payable to bearer or transferable by endorsement or otherwise as the Directors see fit.

8. The directors or provisional directors may make and issue paid-up stock shares in the capital of the Company in payment for lands, material, plant or equipment, or by way of bonus to bond or debenture holders, and also for the service of contractors or engineers or such other persons, whether directors or not, who may have been or who may be engaged in promoting the undertaking or interests of the Company, and such issue and allotment of stock, bonds and debentures, or any of them, shall be binding on the Company, and such paid up stock shall not be assessable for calls.

9. The aggregate amount of money borrowed by the Company shall not exceed its capital stock.

10. Sections 29 to 111 inclusive of "The Companies' Ordinance," being Chapter 30 of the Revised Ordinances, 1888, in so far as the same are not inconsistent with or contrary to the provisions of this Ordinance and with the exception of Sections 33, 90, 91, 92 and 101, shall apply to said Company.

**No. 24 of 1890.****AN ORDINANCE TO INCORPORATE THE TOWN  
OF LETHBRIDGE.**

[*Assented to November 29th. 1890.*]

Whereas it is desirable to provide for the Incorporation of the Town of Lethbridge :

Therefore, The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Those portions of Section thirty-six (36) in Township Eight (8) and of the South half of Section One (1) in Township Nine (9), both in Range Twenty-two (22), West of the Fourth (4th) Initial Meridian, lying to the East of Belly River, the whole of Section Thirty-one (31) and Thirty-two (32) in Township Eight (8), the South half of Section Six (6) and the whole of Section Five (5) in Township Nine (9), all of which are in Range Twenty-one (21), West of the said Fourth (4th) Initial Meridian, are hereby incorporated into a Town Municipality under the name of the Town of Lethbridge.

2. The powers conferred upon Town Municipalities by sub-sections Forty (40) and Forty-one (41) of Section Sixty-eight (68) of "The Municipal Ordinance," 1888, shall not extend or apply to the said Municipality, and the powers conferred by Section 276 of the said Ordinance shall be in the said Municipality limited to the levying of a rate not exceeding one and one quarter ( $1\frac{1}{4}$ ) cents or the Dollar, exclusive of School rates.

3. Until the expiration of twenty (20) years from the date which the Lieutenant-Governor may, as hereinafter provided, proclaim for the coming into force of this Ordinance, the North-Western Coal and Navigation Company, (Limited), and the Alberta Railway and Coal Company, their successors and assigns shall be exempt from taxation

by the said Municipality for any purpose other than for School Rates in respect of the following property, viz :—

Coal Shafts, Shaft Buildings, Machinery, Bankheads, Railway Roadbed and Rails, Rolling Stock, Round Houses and Machine Shops, Coal Lands and the Surface Rights of such Coal Lands on the North-east quarter of Section Thirty-six (36), Township Eight (8), and the South-east quarter of Section One (1), Township Nine (9), both in Range Twenty-two (22), and the South half of Section Six (6), Township Nine (9) Range Twenty-one (21), all West of the Fourth (4th) Initial Meridian ; provided, however, that if the said Companies or either of them, their, or either of their successors or assigns, improve the surface rights on the said coal lands by the erection of dwellings or rentable buildings, or in anyway other than by the erection of Shafts, Shaft Houses, Machinery, Engine Houses, Machine Shops, Railway Roadbeds, Rails, Trestles, Chutes, and Coal Bins to be used in connection with the mining, working, and shipping of the coal under the said lands, then such portion of the said surface rights so improved shall be liable to taxation.

4. At any time after the Lieutenant-Governor has, as hereinafter provided, by his proclamation fixed a date for the coming into force of this Ordinance, he may by order appoint a Returning Officer to hold on a date subsequent to that fixed for the coming into force of this Ordinance, the first election of the first Mayor and six (6) Councillors for the aforesaid Town of Lethbridge.

5. All the expenses connected with the holding of such election shall be at the cost of the said Municipality.

6. As soon as this Ordinance shall have been assented to by the Lieutenant-Governor, the Lieutenant-Governor may appoint a Returning Officer to take the votes on a day to be named for such purpose of the residents, within the area of the proposed Municipality, entitled to vote under the Municipal Ordinance, on the question as to whether or not this Ordinance shall come into force and the proceedings at such voting shall be governed by the provisions of the Municipal Ordinance in regard to the holding of Polls, and the Lieutenant-Governor shall cause the Returning Officer so appointed to give at least two weeks notice by the posting up of notices in at least three places within the area of the pro-

posed Municipality, of the date, hour, and place at which such vote will be taken, and such notice shall conform as nearly as possible with Form D of "The Municipal Ordinance," and upon the receipt by the Lieutenant-Governor of the report of the Returning Officer, verified as required by "The Municipal Ordinance," together with a copy of the notice, with the due posting thereof, verified in like manner, the Lieutenant-Governor may then, if the vote taken has been favourable thereto, by his proclamation declare the date at which this Ordinance shall come into force.

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